

WEDNESDAY, MARCH 8, 1978

SEVENTY-FIRST LEGISLATIVE DAY

The House met at 1:00 p.m. and was called to order by Mr. Speaker McWherter.

The proceedings were opened with prayer by Representative Bill McAfee of Hamilton County.

Representative Love led the House in the Pledge of Allegiance to the Flag.

The roll call was taken with the following results:

Present 90

Representatives present were: Ashford, Atchley, Bell, Bewley, Bishop, Bissell, Blackburn, Bragg, Brewer, Buck, Burks, Burleson, Burnett (Fentress), Burnett (Sumner), Bussart, Butler, Byrd, Carter, Cawood, Chiles, Clark, Copeland, Darnell, Davidson (Robertson), Davidson (Wayne), Davis, DeBerry, Dixon, Elkins, Ellis, Fisher, Fleming, Ford (Cocke), Ford (Shelby), Fuqua, Gill, Good, Hall, Henry, Hillis, Hood, Hurley, Jensen, Johnson, Kernell, King, Lanier, Lashlee, Ledford, Longley, Love, McAfee, McKinney, Martin, Miller, Moore, Murphy (Davidson), Murphy (Shelby), Murray (Franklin), Murray (Madison), Naifeh, Nolan, Phillips, Pickering, Rhinehart, Richards, Richardson, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Shockley, Small, Smith, Spence, Stafford, Stallings, Starnes, Steinhauer, Sterling, Tanner, Wallace, Watson, Webb, Withers, Wolfe, Wood, Young and Mr. Speaker McWherter — 90.

MESSAGE FROM THE GOVERNOR

MR. SPEAKER:

I am directed by the Governor to return herewith: House Joint Resolutions Nos. 271 and 383 without his signature.

EDDIE SISK,
Counsel to the Governor.

House Joint Resolutions Nos. 271 and 383 become effective without the Governor's signature, as authorized by Article III, Section 18 of the Constitution of the State of Tennessee.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to transmit to the House, Senate Bills Nos. 1520, 1524, 1542, 1547, 1566, 1573, 1618, 1654, 1656, 1657, 1662, 1700, 1717, 1720, 1722, 1734, 1767, 1773, 1803, 1824, 1825, 1829, 1865, 1989, 2010, 2077 and 2374; all for the signature of the Speaker.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

SIGNED

The Speaker announced that he had signed the following: Senate Bills Nos. 1520, 1524, 1542, 1547, 1566, 1573, 1618, 1654, 1656, 1657, 1662, 1700, 1717, 1720, 1722, 1734, 1767, 1773, 1803, 1824, 1825, 1829, 1865, 1989, 2010, 2077 and 2374.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to return to the House, House Bills Nos. 1615, 1792, 1940, 1959, 1970, 1978, 2003, 2138, 2177, 2390 and 2442; also, House Joint Resolution No. 463; all signed by the Speaker.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to return to the House, House Bills Nos.

1549 — To amend Section 53-2442, Code;

1918 — To regulate registration taxes on trailers owned by farmers;

2069 — To amend Section 51-425, Code;

2255 — To amend Title 9, Chapter 8, Code;

2388 — To amend Sections 63-742 and 63-747, Code; all substituted for Senate Bills on same subject and passed by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to return to the House, House Bill No.

651 — To make provisions, evidence of medical expenses.

The Senate reconsidered action in passing the bill, adopted Senate Amendment No. 3, then passed the bill on third and final reading, as amended.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

Mr. Burnett (Fentress) moved that the rules be suspended in order that House Bill No. 1668 and the 5 additional bills following may be considered at the head of today's Calendar, which motion prevailed.

CALENDAR

House Bill No. 1668 — To make certain provisions, appropriations, fiscal year 1978-1979.

Mr. Burnett (Fentress) moved that House Bill No. 1668 be passed on third and final reading.

Mr. Bragg moved to amend as follows:

AMENDMENT NO. 1

Amend House Bill No. 1668 by adding the following new item at the end of section 11:

Item . From the funds appropriated to the Department of Education in Section 1 of this act, there is allocated a sum not to exceed forty-thousand dollars (\$40,000) for the purpose of contracting with the Higher Education Commission to conduct a study of the state's vocational technical institutes for the purpose of developing a funding formula.

AND FURTHER AMEND by adding the following new item at the end of section 11:

Item . From the funds appropriated to the Historical Commission, there is allocated the sum of thirty-nine thousand eight hundred thirty-six dollars (\$39,836) to the Department of Conservation to establish one (1) position as a historical architect and two (2) positions as historical resources surveyors to complete a comprehensive survey of the state and to establish an inventory of Tennessee's historic resources. The funds appropriated to the department in this item shall be allocated as follows:

One (1) Historical Architect	\$	12,636.00
Employee Benefits		1,750.00
Travel Expenses		1,200.00
Two (2) Historic Resources		
Surveyors		19,200.00
Employee Benefits		2,650.00
Travel Expenses		2,400.00

AND FURTHER AMEND by adding the following new item at the end of section 11:

Item . That the appropriation to the department of conservation for capital outlay in section 1, Title III-23, item 12 shall be allocated as follows:

(a) Big Hill Pond - General

Development Supplemental		
Funds	\$	500,000.00
Paris Landing - Replace Lodge		
Wing and Furnishings		1,500,000.00
Panther Creek - Pool and Bathhouse		250,000.00
T.O. Fuller - Pool and Bathhouse		250,000.00
Chichasaw - Pool and Bathhouse		250,000.00
Standing Stone - General		
Development and Renovation		1,000,000.00
Cove Lake - General Development		750,000.00
Cedars of Lebanon - Twelve		
Cabins and Maintenance Building		575,000.00
Warriors' Path State Day Use Park		
Island - Initial Construction		150,000.00

Harrison Bay & Booker T. Washington	
Recreation Building and Boat Slips	750,000.00
Meeman - Shelby Forest, Rock Island & N.B. Forest.....	265,000.00
Harrison Bay, Pickett and Chichasaw	
Tennis Courts.....	35,000.00
Roan Mountain - Furnishings	\$ 75,000.00
Edgar Evins - Restaurant	150,000.00
Rock Island and Mound Bottoms -	
Residence.....	110,000.00
Fort Loudon - Visitors Center -	
Museum	177,000.00
Land Acquisition	248,000.00
Rivers and Trails.....	140,000.00
Natural Areas - Big Bone Cave	50,000.00
Wynnewood Historical Site - Restoration	75,000.00
Carter House - Interpretive Center	100,000.00
Fall Creek Falls Camp Sites.....	100,000.00

(b) The sum of two hundred forty-eight thousand dollars (\$248,000) allocated in item (a) of this section for land acquisition shall be allocated as follows:

Land Acquisition Contingency Fund	\$ 10,000.00
Nathan Bedford Forest - Two Innholdings.....	80,000.00
Standing Stone State Rustic Park -	
One Innholding	45,000.00
Reelfoot Lake - Five Innholdings	45,000.00
Great Stone Door - One Tract	18,000.00
Falling Water Falls - One Tract	50,000.00

(c) Notwithstanding any provision of the law to the contrary, and funds to a maximum sum of five hundred thirty-five thousand dollars (\$535,000) for capital outlay appropriated to the department of conservation in the 1977-1978 fiscal year or the 1978-1979 fiscal year shall not revert to the general fund but shall be carried over by the department and expended to complete the Warriors' Path State Day Use Park Island Project.

AND FURTHER AMEND by adding to the appropriate section an item to be appropriately numbered as to read as follows:

Item . No expenditure for capital improvements which are set forth in the last item of section 11 shall be made until monies which have already been appropriated for the purchase of Brick Church Mound have been expended. Further no monies appropriated in the last item of section 11 shall be expended for the purchase of land surrounding Radnor Lake.

AND FURTHER AMEND by adding the following new item at the end of section 11:

Item . From the sums appropriated by this act to the Department of Transportation for the purpose of completing construction of a right-of-way on State Route 11 from the Sumner County line to the Robertson County line, there shall be expended a sum sufficient to complete such construction.

AND FURTHER AMEND by adding the following new item at the end of section 11:

Item . From the sums appropriated by this act to the Department of Transportation for the purpose of completing construction of a right-of-way on State Route 11 from the Davidson County line to S-461 in Ridgeway, there shall be expended a sum sufficient to complete such construction.

AND FURTHER AMEND by adding the following new item at the end of section 11:

Item . From the sums appropriated by this act to the Department of Transportation for the purpose of completing construction of a right-of-way on State Route 11 north of State Route 41 to the Davidson County line, there shall be expended a sum sufficient to complete such construction.

AND FURTHER AMEND by adding the following new item at the end of section 11:

Item . From the appropriations made to the Tennessee Wildlife Resources Agency by the provisions of this act there is allocated the sum of sixty thousand dollars (\$60,000) for a boat ramp on the Forked Deer River in Lauderdale County.

AND FURTHER AMEND by adding the following new item at the end of section 11:

Item . From the funds appropriated to the Department of Public Health by the provisions of this act is allocated the sum of one hundred thousand dollars (\$100,000) for the purpose of establishing a program for the prevention, diagnosis and treatment of cancer. The appropriation made in this item shall not become effective unless House Bill No. 1901 (Senate Bill No. 1770) becomes law.

AND FURTHER AMEND by adding the following new item at the end of section 11:

Item . From the funds appropriated to the Historical Commission by the provisions of this act there is allocated the sum of five thousand dollars (\$5,000) to the Sam Houston Historical Association. This appropriation is inclusive of any other funds appropriated to the Association by the provisions of this act and shall be the total amount appropriated to such association.

AND FURTHER AMEND by designating the original language in section 43 as item 1. and by adding the following new item at the end of the section:

Item . In addition to any funds appropriated by section 1 of this act, there is appropriated the sum of sixty-eight thousand dollars (\$68,000), to the Tennessee Higher Education Commission for the sole purpose of contracting with the Southern Regional Education Board for the purchase of twenty (20) additional places for medical students at Meharry Medical College to be filled by Tennessee residents in addition to those students enrolled at Meharry Medical College during the 1977-1978 academic year under the terms of a contract between the Tennessee Higher Education Commission and the Southern Regional Education Board. This appropriation is in addition to any other appropriation made for that purpose.

AND FURTHER AMEND by designating the original language in section 43 as item 1 and by adding the following new item at the end of the section:

Item . In addition to any funds appropriated by the provisions of this act, there is appropriated the sum of one million four hundred thousand dollars (\$1,400,000), in federal funds to the Department of Human Services for the purpose of raising the grant levels in the Aid to Families with Dependent Children Program (Section 1, Title III-17, Item 2.5). The Commissioner of Human Services shall submit a plan for the expenditure of the appropriation made in this item to the Commissioner of Finance and Administration, the Chairman of the Senate Finance, Ways and Means Committee, and the Chairman of the House Finance, Ways and Means Committee, and such appropriation shall be subject to the approval of such plan by such officials.

AND FURTHER AMEND by deleting section 46 in its entirety and by substituting instead the following:

BE IT FURTHER ENACTED, That there is hereby appropriated from 1977-78 state revenues the sum of \$1,950,000 to the Tennessee Law Enforcement Planning Commission for payment to eligible local units of government which have required all police officers to complete during calendar year 1978 an in-service training course appropriate to each officer's rank and responsibility commensurate with the size and location of his department of at least 40 hours duration at a school certified or recognized by the Commission. **IN ADDITION** There is hereby appropriated from 1977-78 state revenues the sum of \$1,950,000 to the Commission on fire fighting personnel standards and education for payment to eligible local units of government which have required all firemen to complete during calendar year 1978 an in-service training course appropriate to each officer's rank and responsibility commensurate with the size and location of his department of at least 40 hours duration at a school certified or recognized by the Commission.

AND FURTHER AMEND by designating the original language in Section 43 as item 1. and by adding the following new item:

Item . From the funds allocated to the department of agriculture in Section 1, Title III-3 of this act, there is hereby earmarked an amount of one thousand, two hundred fifty dollars (\$1,250) for the purpose of promoting and assisting state participation in the Tennessee Walking Horse National Celebration to be held in Shelbyville, Tennessee; and there is further earmarked an amount of one thousand, two hundred fifty dollars (\$1,250) from such funds to be appropriated to the Tennessee Walking Horse Breeders and Exhibitors Association in Lewisburg, Tennessee.

AND FURTHER AMEND by adding the following new item at the end of section II:

Item . From the funds appropriated to the Department of Public Health by the provisions of this act there is allocated a sum not to exceed one hundred thousand dollars (\$100,000) for the purpose of implementing and developing an Epilepsy Program for the State of Tennessee.

AND FURTHER AMEND by designating the original language in section 43 as item 1 and by adding the following new item at the end of the section:

Item . There is hereby appropriated to the Memphis Pink Palace Museum Foundation the sum of twelve thousand five hundred dollars (\$12,500) for the development and enlargement of exhibits related to Tennessee History and natural history.

AND FURTHER AMEND by designating the original language of section 43 as Item 1 and by adding the following new item to the section:

Item . In addition to any other funds appropriated to the Department of Transportation, there is hereby appropriated the sum of nine hundred fifty thousand dollars (\$950,000) for the construction of a bridge across the French Broad River in Sevier County below Douglas Dam.

AND FURTHER AMEND by adding the following new item at the end of section 11:

Item . From the funds appropriated to the Building Commission by the provisions of this act, there is allocated a sum not to exceed three hundred twenty-eight thousand dollars (\$328,000) for the purpose of conducting a pre-planning study for the proposed additions to the Claxton Education Building at the University of Tennessee at Knoxville. This appropriation is subject to the approval of the Building Commission.

AND FURTHER AMEND by deleting item 4 section 50 of the original bill in its entirety and by substituting in lieu thereof the following language.

Item 4. There is hereby appropriated an amount of seven million dollars (\$7,000,000) to the ninety-five (95) county governments for the purpose of improving county road systems. This appropriation shall be distributed to each of the ninety-five (95) county governments as follows: fifty per cent (50%) on the basis of population, as determined by the 1970 federal census of population, and fifty per cent (50%) on the basis of the number of miles of paved roads and shall be paid no later than September 1, 1978.

Item 5. There is hereby appropriated an amount of three million dollars (\$3,000,000) to incorporated municipal governments for the purpose of improving city streets and city transportation systems. This appropriation shall be distributed to each of the incorporated municipal governments as follows: fifty per cent (50%) on the basis of population, as determined by the 1970 federal census of population, and fifty per cent (50%) on the basis of the number of miles of paved roads and shall be paid no later than September 1, 1978.

AND FURTHER AMEND by adding the following new item at the end of section 11:

Item . From the funds appropriated to the Department of Education by the provisions of this act, there is allocated the sum of two million dollars (\$2,000,000) for pupil transportation. This appropriation is subject to the approval of the Commissioner of Finance and Administration and the Commissioner of the Department of Education.

AND FURTHER AMEND by adding the following new item to section 11:

Item . The unexpended balance on June 30, 1978, of the funds appropriated by Item 8 of Section 18 of Chapter 732 of the Public Acts of 1976 shall not revert to the General Fund but shall continue to be available for the purposes of continuing the study of elementary/secondary school finance of the Joint Legislative Committee on Elementary/Secondary School Finance.

AND FURTHER AMEND by adding the following new item at the end of section 11:

Item . From the appropriations made to the Department of Mental Health and Mental Retardation by the provisions of this act, there is allocated the sum of five hundred fifty dollars (\$550) to the Knox County Association for Retarded Citizens for the rental of a facility to house retarded offenders.

AND FURTHER AMEND by designating the original language of section 36 as item 1. and inserting the following new item to be appropriately numbered:

Item . There is appropriated a sum sufficient not to exceed \$40,000 for the purpose of compensating and supporting Mrs. Faye Maynard, widow of Civil Air Patrol Lieutenant Colonel Ray Maynard of Knoxville who was killed in a helicopter crash while participating in a search and rescue mission. The Board of Claims is authorized and empowered to receive and hear such claim, to adjudicate the merits thereof and to make an appropriate award of damages within the above mentioned limits. The Board of Claims may employ Workmen's Compensation death benefit guidelines in order to determine the amount to be awarded.

AND FURTHER AMEND by redesignating section 52 to be section 53, by renumbering subsequent sections accordingly, and by adding a new section 52 as follows:

Section 52. There is appropriated to the Dulin Art Gallery in Knoxville the sum of twelve thousand five hundred dollars (\$12,500) for capital outlays. This appropriation is subject to the approval of the Commissioner of Finance and Administration.

AND FURTHER AMEND by designating the original language in section 43 as item 1. and by adding the following item at the end of the section:

Item . In addition to any other appropriations made to the Department of Labor in this Act, there is appropriated the sum of one hundred fifty thousand dollars (\$150,000) for the sole purpose of implementing the provisions of Senate Bill 1768/House Bill 1821 (Creating an institute for Labor Studies). This appropriation is effective only if Senate Bill 1768, House Bill 1821 becomes a law. This appropriation is subject to the approval of the Commissioner of Finance and Administration.

AND FURTHER AMEND by designating the original language in section 43 as item 1. and by adding the following new item at the end of the section:

Item . In addition to any funds appropriated in section 1 of this act, there is appropriated the sum of one hundred forty-eight thousand three hundred dollars (\$148,300) to the department of correction for the purpose of upgrading salaries of the employees of such department. This appropriation shall be in addition to any general salary increase provided for state employees under the provisions of this act.

AND FURTHER AMEND by designating the original language in section 43 as item 1 and by adding the following new item at the end of the section:

Item . In addition to any funds appropriated in section 1 of this act, there is appropriated the sum of five hundred thousand dollars (\$500,000) to the Department of Education for the sole purpose of improving the regional library program. This appropriation is subject to the approval of the Commissioner of Finance and Administration.

AND FURTHER AMEND by inserting the following new section immediately following section 51 and by renumbering the subsequent sections accordingly:

Section . Notwithstanding any provision of the law to the contrary, and funds appropriated for the minimum foundation school program in section 1, Title III-9, item 2.1 of this act which exceed the appropriation for such program during the 1977-1978 fiscal year shall be allocated to each LEA on the basis of the greater amount of the funds which would be received under the provisions of Tennessee Code Annotated, Title 49 in effect prior to July 1, 1977 or under the provisions currently in effect in Tennessee Code Annotated, Title 49.

AND FURTHER AMEND by adding the following new item at the end of section 11:

Item . From the funds appropriated to the University of Tennessee at Martin by the provisions of this act, there is allocated the sum of three hundred fifty thousand dollars (\$350,000) for the purpose of adding additional seating capacity to the stadium at such university. This appropriation is subject to the approval of the Board of Trustees of the University of Tennessee.

AND FURTHER AMEND by deleting the language in section 1, Title III-9, item 3.lb which reads:

b. Area Vocational-Technical Schools \$15,866,300.00

and by substituting instead the following language:

b. Area Vocational-Technical School \$14,765,000.00

AND FURTHER AMEND by inserting the following language as a new line item immediately following item 3.lb in Title III-9 in section 1 and by redesignating the subsequent items accordingly:

c. Tri-City State Technical Institute \$1,101,300.00

AND FURTHER AMEND by adding the following new item at the end of section 11:

Item . From the funds appropriated to Middle Tennessee State University by the provisions of this act, there is allocated the sum of fifty thousand dollars (\$50,000) for the purpose of establishing and maintaining an Aerospace Public Service Center at such university.

AND FURTHER AMEND by adding the following new item at the end of section 11:

Item . From the funds appropriated to the building commission by the provisions of this act, there is allocated a sum not to exceed three million two hundred thousand dollars (\$3,200,000) to the Tennessee School for the Deaf for the purpose of conducting preplanning studies and establishing a self-contained unit for multiple handicapped deaf students. This appropriation is subject to the approval of the building commission.

AND FURTHER AMEND by adding a new item to the appropriate section and to read as follows:

Item . In addition to the funds appropriated to the Historical Commission in Section 1, Title III-5, Item 3, there is hereby appropriated one hundred ninety-two thousand dollars (\$192,000) for the sole purpose of the Commission's continuing its participation in programs of the National Historical Preservation Act of 1966 under which Tennessee already receives over five hundred thousand dollars (\$500,000); also this appropriation shall fund the publication of Volume II of the Biographical Directory of the Tennessee General Assembly.

AND FURTHER AMEND by adding the following new item at the end of section 11:

Item . From the funds available to the building commission, there is allocated a sum sufficient to such commission to conduct a study of the feasibility of installing an additional elevator, a stairway, or both to provide access to the War Memorial Building from the north end of the Legislative Plaza.

AND FURTHER AMEND by deleting from the fourth paragraph of Section 7 the following phrase:

"Within the appropriations herein made, the salaries of the subordinates and employees of the Treasurer, Comptroller, Secretary of State, the Public Service Commission, and the fiscal Review Committee shall be fixed by the heads thereof, respectively;"

and substituting in lieu thereof the following:

Within the appropriations herein made, the salaries of the subordinates and employees of the Treasurer, Comptroller, Secretary of State, the Public Service Commission, and the Fiscal Review Committee shall be fixed by the heads thereof, respectively and the salaries of the employees and subordinates of the Joint Legislative Services Committee shall be fixed by such committee in accordance with the provisions of Tennessee Code Annotated, Title 3, Chapters 10 through 14, inclusive;

AND FURTHER AMEND by deleting from Section 29, item 6 which reads as follows:

"6. Expenses and travel pay allowed to members of the Legislative Council as authorized under Section 3-406, Tennessee Code Annotated, and to members of the Fiscal Review Committee, as authorized under Section 3-702, Tennessee Code Annotated."

and substituting in lieu thereof the following new item:

6. Expenses and travel pay allowed to members of the Joint Legislative Services Committee as authorized under Section 3-114, Tennessee Code Annotated, and to members of the Fiscal Review Committee, as authorized under Section 3-702, Tennessee Code Annotated.

AND FURTHER AMEND Section 29 by deleting from item 7 the words "Legislative Council Committee" and substituting instead the words "Office of Legislative Services and the Office of Legal Services for the General Assembly" so that the item reads as follows:

7. The Speakers may transfer to the Office of Legislative Services and the Office of Legal Services for the General Assembly and to the Fiscal Review Committee sufficient

funds to enable them to complete all studies assigned to them by the Ninetieth General Assembly, and to furnish such help as may be required by standing, select and joint committees of the General Assembly.

AND FURTHER AMEND by adding the following new item at the end of section 11:

Item . From the funds appropriated to the University of Tennessee System by the provisions of this act, there is allocated the sum of one hundred thousand dollars (\$100,000.00) to the University of Tennessee Medical Units in Memphis for the purpose of contracting with the Memphis Regional Sickle Cell Anemia Council to provide home nursing services, patient education and patient screening for sickle cell anemia. This appropriation is subject to the approval of the University of Tennessee Board of Trustees.

AND FURTHER AMEND by adding the following new item at the end of section 11:

Item . From the funds appropriated to the University of Tennessee system by the provisions of this act, there is allocated the sum of eleven thousand dollars (\$11,000) to the University of Tennessee at Nashville and the sum of thirty-one thousand dollars (\$31,000) to the University of Tennessee at Chattanooga for the sole purpose of improving salaries at such universities to remove salary inequities. This appropriation is subject to the approval of the University of Tennessee Board of Trustees.

AND FURTHER AMEND by adding the following new item at the end of section 11:

Item . From the funds available to the State Building Commission, there is allocated the sum of fifteen thousand dollars (\$15,000) to the Department of Conservation for the purpose of completing preplanning studies on the construction of lodge facilities at Norris Dam State Resort Park.

AND FURTHER AMEND by inserting the following new section immediately following section 51 to read as follows:

Section . The Department of Conservation is directed to apply to the Building Commission for approval to spend a sum not in excess of twenty thousand dollars (\$20,000) to contract with a private person or entity to conduct a study of the feasibility of issuing revenue bonds to build a lodge, restaurant, and conference center at Norris Dam State Resort Park. Any funds approved by the Building Commission for such study shall be expended from the Norris Dam General Development Project Fund (Account number 581.35b).

AND FURTHER AMEND by designating the original language in section 43 as item 1 and by adding the following new item at the end of the section:

Item .. In addition to any funds appropriated by the provisions of this act, there is appropriated the sum of fifteen thousand dollars (\$15,000) to Memphis State University for the purpose of conducting a study of the feasibility of establishing a museum of music and related projects in Memphis. This appropriation is subject to the approval of the Board of Regents.

AND FURTHER AMEND by designating the original language in section 43 as item 1. and by adding the following new item at the end of the section:

Item . In addition to any funds appropriated by the provisions of this act, there is appropriated the sum of thirty thousand dollars (\$30,000) to the County Technical Assistance Service in the Institute of Public Service at the University of Tennessee for the sole purpose of contracting with the Hartsville Project Coordination Committee to develop and implement a program to alleviate problems in the five (5) counties affected by construction of the Hartsville Nuclear Plant. This appropriation is subject to the approval of the Commissioner of Finance and Administration and the University of Tennessee Board of Trustees.

AND FURTHER AMEND by adding the following new item at the end of section 11:

Item . From the appropriations made to the Obion Forked Deer Drainage District, there is hereby earmarked the sum of seventy-five thousand dollars (\$75,000) to the Dyer County Levee and Drainage District for the purpose of acquiring additional rights-of-way and maintaining rights-of-way of the district. Necessary attorneys' fees for the cost of acquiring rights-of-way may be paid out of this appropriation.

AND FURTHER AMEND by adding the following new item to Section 11 to be appropriately numbered:

Item . From the first available federal funds the Department of Transportation is hereby directed to study and plan for a bridge across the Tennessee River to connect the Pellissippi Parkway (State Highway 162) and the Alcoa Highway (US Route 129).

AND FURTHER AMEND by designating the original language in section 43 as item 1 and by adding the following new item at the end of the section:

Item . In addition to any funds appropriated by the provisions of this act, there is appropriated the sum of five thousand dollars (\$5,000) to the Tennessee Association of Rescue Squads.

AND FURTHER AMEND by adding the following new item at the end of section 11:

Item . Notwithstanding any provisions of law to the contrary, any funds to a maximum of one million dollars (\$1,000,000) appropriated to the department of conservation pursuant to Section 50 of the Chapter 458 of the Public Acts of 1977 for fiscal year 1977-1978, plus any funds to a maximum of one hundred thousand dollars (\$100,000) in bond proceeds allocated for development of Mousetail Landing pursuant to Section 4 of Chapter 433 of the Public Acts of 1977, shall not revert to the general fund but shall be carried over by the department of conservation and expended for development and improvement of Mousetail Landing State Park.

AND FURTHER AMEND by adding the following new item at the end of section 11:

Item . From the funds on hand or received by the State Treasurer under the provisions of Senate Bill 1628 and House Bill 1633, there is appropriated the sum of forty-seven thousand seven hundred twenty-three dollars (\$47,723) for the purpose of administering the provisions of Senate Bill 1628 and House Bill 1633, and a sum not to exceed one hundred fifty thousand dollars (\$150,000) to be placed in a trust account to pay claims received and honored by the State Treasurer and to pay costs of advertising, mailing, sales, and delivery expenses. These appropriations shall not be effective unless Senate Bill 1628 and House Bill 1633 are enacted into law.

AND FURTHER AMEND Section 49 to add a new item to read:

Item . From funds available for preplanning, the State Building Commission is directed to preplan an academic building at the Memphis State Technical Institute.

AND FURTHER AMEND by adding the following item at the end of section 11:

Item . From the appropriation made to the University of Tennessee Agriculture Extension Service, there shall be paid to each extension leader, extension agent, associate extension agent, assistant extension agent a salary adjustment of not less than six hundred dollars (\$600.00) payable in equal amounts at the regular salary payment dates and to each secretary to such leader or agents a salary adjustment of not less than three hundred dollars (\$300.00) payable in equal amounts at the regular salary payment dates if that secretary's salary is eight thousand dollars (\$8,000) per annum or less; provided, however, that such salary adjustments shall not exceed the total salary which would be granted by general salary increase plan for state employees provided in this act for 1978-79 fiscal year.

Amend the bill by adding the following language after the last paragraph in Section 7 to read as follows:

Except as otherwise provided by law and within the appropriations made in this act, state employees shall be granted pay raises in accordance with the following requirements and/or limitations:

- (a) As of July 1, 1978, all salary steps in the Tennessee Basic Compensation Plan shall be raised a minimum of two and one-half percent (2½%) and each employee paid on those steps shall be similarly adjusted, and the Tennessee Executive Grade Compensation Plan and the Tennessee Physician and Dentist Compensation Plan shall be raised a minimum of one and one-half percent (1½%) and each employee paid on those steps shall be similarly adjusted.

As of July 1, 1978, each employee of record as of June 30, 1978, shall be eligible for a one step salary increase provided, however, that the employee has served at least six months at his June 30, 1978, rate of pay. Each employee who has not served six months at the June 30, 1978, rate of pay shall be eligible for a one step salary increase on the first of the month next following the completion of six months of service at the June 30, 1978, pay rate.

Each employee earning less than \$8,000 per year as of June 30, 1978, shall be given a one step salary increase when eligible, and each employee earning \$8,000 per year or more as of June 30, 1978, shall be considered for a one step salary increase when eligible, provided that if such increase is denied, a statement from the appointing authority denying such increase shall be submitted to the Commissioner of Personnel detailing the circumstances surrounding the denial.

- (b) Salary increases for employees of the technical institutes, community colleges and universities shall be subject to the following limitations: (1) Each employee earning less than \$8,000 per year shall receive an increase of not less than seven and one-half percent (7½%) and (2) The average increase for employees earning more than \$22,000 per year shall not exceed six and one-half percent (6½%).

- (c) Except for any appropriations provided in this Act for upgrading salaries, state employee pay raises shall not exceed seven and one-half percent (7½%) of the salary wage expense for 1978-79. For purpose of this limitation, the term "pay raise" shall not include bona fide employee promotions; provided, however, that such pay raises may exceed seven and one-half percent (7½%) to the extent that additional funds are generated within a department or agency by abolishing vacant and funded positions, subject to review and approval of the Commissioner of Finance and Administration and the Chairmen of the Senate and House Finance, Ways and Means Committees.
- (d) The Department of Personnel and the Department of Finance and Administration shall report monthly to the Senate and House Finance, Ways and Means Committees and the Fiscal Review Committee on bona fide employee promotions, showing clearly by department the names and titles of employees promoted and the increases in pay as a result of such promotions.
- (e) The Commissioner of Finance and Administration and the Commissioner of Personnel are authorized to develop a plan to transfer any funds appropriated in Section 1 of this Act for salaries and benefits to provide for an equitable distribution of salary raise funds among the agencies of state government. Said plan is subject to approval by the Joint Finance, Ways and Means Committee.

AND FURTHER AMEND by designating the original language of Section 36 as item 1. and inserting the following new item to be appropriately numbered.

Item . There is appropriated a sum sufficient not to exceed \$40,000 for the purpose of compensating and supporting Mrs. Beverly Dunnivant, widow of Captain John L. Dunnivant who was killed in a helicopter crash while participating in a search and rescue mission. The Board of Claims is authorized and empowered to receive and hear such claim, to adjudicate the merits thereof and to make an appropriate award of damages within the above mentioned limits. The Board of Claims may employ Workmen's Compensation death benefit guidelines in order to determine the amount to be awarded.

AND FURTHER AMEND by adding to the appropriate section an item to be appropriately numbered and to read as follows:

Item . Notwithstanding any other provisions of law to the contrary, the Department of Revenue is hereby authorized and directed to refund to Gay Record and Novelty Company, Inc., 2120 Jones Street, Knoxville, Tennessee, the amount of \$1,320.13, representing over-payments of the taxes on gross receipts from vending machines for the period July 1, 1973 through June 30, 1975, provided that said amount has not been refunded. This payment is subject to the approval of the Commissioner of Finance and Administration and the Commissioner of Revenue.

AND FURTHER AMEND by adding to the appropriate section an item to be appropriately numbered and to read as follows:

Item . Notwithstanding any other provisions of law to the contrary, the Department of Revenue is hereby authorized and directed to refund to Towe Irons Works, Inc., 2435 Western Avenue, Knoxville, Tennessee, the sum of \$920.40, representing the state's portion

of overpayments of business taxes on gross receipts to the City of Knoxville and County of Knox during the period January 1, 1973 through January 31, 1975, provided said sum has not been refunded.

This payment is subject to receipt by the Department of Revenue of acceptable evidence of payment of the aforementioned taxes, provided that any refund authorized by this item is subject to the approval of the Commissioner of Finance and Administration and the Commissioner of Revenue.

AND FURTHER AMEND by adding to the appropriate section an item to be appropriately numbered and to read as follows:

Item . In addition to any other appropriation made in this Act, there is hereby appropriated the sum not to exceed two million nine hundred six thousand two hundred dollars (\$2,906,200) to Tennessee State University for a new boiler and renovation of existing boilers; provided, however, the amount of funds impounded in Section 51 of Chapter 458 of Public Acts of 1977 and not released to Tennessee State University during fiscal year 1977-78 shall be used to fund a portion of the two million nine hundred six thousand two hundred (\$2,906,200) appropriation.

AND FURTHER AMEND by adding a new item to Section 45 (Original Bill) to be appropriately numbered and to read as follows:

In Section 45, Item 4, regarding major maintenance for the State Board of Regents, there is hereby designated one hundred fifty thousand dollars (\$150,000) for the sole purpose of contributing to the cost of a new boiler and the renovation of existing boilers at Tennessee State University.

AND FURTHER AMEND to add a new section to read:

SECTION . BE IT FURTHER ENACTED, That:

Item 1. Subject to the approval of the State Building Commission, the funds appropriated in Section 1, Title III-23, Item 4 of this Act and in Chapter , Public Acts of 1978 (Senate Bill 1715-House Bill 1719), for capitol outlay purposes for the Department of Correction, are hereby made available to fund projects other than those presented in the State of Tennessee's 1978-79 Budget Document for the Department of Correction. Any projects funded under this authority will be to meet emergency needs of the Department of Correction as determined by the State Building Commission.

Item 2. Subject to the approval of the Commissioner of Finance and Administration, the State Building Commission and the State and Local Government Committee of the House and Senate, the Commissioner of Correction may recommend that the funds appropriated in Section 1, Title III-23, Item 4 of this Act be made available for current operations in lieu of the capital outlay projects presented in the State of Tennessee's 1978-79 Budget Document. The Commissioner of Finance and Administration is authorized to allot any funds approved under this item to the general fund.

AND FURTHER AMEND by adding the following new item at the end of section 11:

Item . From any federal funds available for such purposes, there is hereby allocated the sum of \$100,000 to the Department of Employment Security for a demonstration pro-

ject to aide Displaced Homemakers and it is declared to be the intention of the General Assembly that any such funds be allocated for such purposes. This allocation to be contingent upon the passage of House Bill 2075 and Senate Bill 1961.

AND FURTHER AMEND by adding the following language at the end of section 45 of the original bill.

From the appropriation to the University of Tennessee in this section, the following sums shall be allocated for the following purposes:

Insulation of Utility Return Lines at the University of Tennessee at Knoxville ..	\$80,000
Renovation for the handicapped at the University of Tennessee at Knoxville.....	350,000
Replacement of Greenhouse at the University of Tennessee at Knoxville.....	110,000
Renovation of Hesler Biology Building at the University of Tennessee at Knoxville	650,000
Correction of building code deficiencies at the University of Tennessee at Nashville	162,000
Renovation of Pathology Building at the University of Tennessee Center for the Health Sciences (Phase I)	650,000
Renovation of Animal Care Facilities at the University of Tennessee Center for Health Sciences.....	80,000
Roof replacement - Knoxville Clinical Education Center for the University of Tennessee Center for Health Sciences.....	30,000

AND FURTHER AMEND by adding the following language at the end of Section 45:

From the appropriation to the state board of regents in this section, the following sums shall be allocated for the following purposes:

Renovation of McReynolds Building at Austin Peay State University	\$150,000
Renovation of Zeigler Building at Austin Peay State University	195,000
Renovation of Browning Building at Austin Peay State University.....	150,000
Electrical Distribution System at Austin Peay State University.....	350,000
Campus Redevelopment at Austin Peay State University.....	200,000
Fire Safety Compliance at East Tennessee State University	200,000
Safety Requirements - OSHA for Middle Tennessee State University.....	25,000
Renovation of Natatorium Facility at Middle Tennessee State University.....	165,000
Alterations to the existing boiler at Tennessee State University.....	150,000
Renovation of Home Economics Building at Tennessee State University.....	25,000

Underground Utilities at Tennessee State University	300,000
Renovation of Chemistry Building at Tennessee State University	68,000
Renovation of University Center at Tennessee Tech University	86,000
Renovation of Industrial Technical Building at Tennessee Tech University	198,000
Building Waterproofing at Tennessee Tech University	88,000
Drain Renovations at Tennessee Tech University.....	21,000
Roof Repairs at Chattanooga State Technical Community College.....	100,000
Roof Repairs at Columbia State Community College	18,000
Building Modifications for Energy Conservation at Jackson State Community College	40,000
Gym heating and cooling renovations at Roane State Community College	25,000
Technical building insulation at Walter State Community College	25,000

If the sums allocated for specific purposes in this section exceed the amount actually needed for such purposes, the Building Commission shall determine the manner of expending such excess amounts; but such excess amounts shall be expended at the institution for which the funds were originally allocated.

AND FURTHER AMEND in Section 45 of the original bill by adding the following paragraph at the end thereof:

In the event that any higher education institution proposes to expend more or less operating dollars in fiscal year 1978-1979 for operation and maintenance of physical plant than was included within the higher education appropriations formula for that purpose, said institution shall report such proposed action and reasons for said action to the Higher Education Commission. The Higher Education Commission shall then forward information and commentaries regarding such action to the first session of the Ninety-First General Assembly.

AND FURTHER AMEND by adding the following item at the end of section 11:

Item . That, from the funds available to the State Building Commission for preplanning activities, there is allocated a sum sufficient for the preplanning of a classroom building for the Oak Ridge Extension Center, of Roane State Community College.

AND FURTHER AMEND by inserting the following new section immediately following section 51 and by renumbering the subsequent sections accordingly:

Section . As soon as practicable after the passage of this act, the executive secretary of the Tennessee Code Commission, with the approval of such commission, shall initiate a competitive bidding process for the contract to publish Tennessee Code Annotated, and supplements and replacement volumes thereto as soon as legally binding present contract obligations are fulfilled.

AND FURTHER AMEND by designating the existing language of section 36 as Item 1 and by adding a new item as follows:

Item . There is hereby appropriated the sum of six thousand two hundred sixty-five dollars and eighty-seven cents (\$6,265.87) to reimburse the Consolidated Retirement System for erroneous payments made to Vesta Roberson of Hamilton County between July of 1972 and November of 1977. It is intended that this appropriation shall release Mrs. Roberson from any liability for these overpayments since she twice informed the system of the error, when it was first made and one (1) year later, was told if any mistake had been made it would be promptly corrected, and was then paid the erroneous amount for over five (5) years after notice had been given. While erroneous payments received through fraud or deceit should be repaid by the benefiting party, payments made over a lengthy period due to official negligence should be borne by the system and this appropriation is intended to accomplish this.

AND FURTHER AMEND by designating the original language in section 43 as item 1, and by adding the following new item at the end of the section:

Item . In addition to any funds appropriated by the provisions of this act, there is appropriated the sum of two thousand five hundred dollars (\$2,500) to the Beck Cultural Exchange Center in Knoxville, Tennessee, for the purpose of maintaining a library of the papers of the Honorable William Henry Hastie, the first black judge to serve on the United States Circuit Court.

AND FURTHER AMEND by adding to the appropriate section an item to be appropriately numbered and to read as follows:

Item . There is hereby allocated from funds available for state prosecutions under Section 1, Title III-7, Item 4 Department of Corrections sufficient funds to pay for emergency medical cost of state prisoners as certified under the provisions of House Bill 1943. The implementation of this amendment shall be subject to the approval of the Commissioner of Finance and Administration and the Commissioner of Corrections.

AND FURTHER AMEND by adding to the appropriate section an item to be appropriately numbered and to read as follows:

Item . From the appropriations made in Title III-6 of Section 1 to the Wildlife Resources Agency and/or the Boating Safety Act, there is hereby earmarked an amount of \$30,000 for the construction of a boat ramp on the Cumberland River near Cockrill Bend, if such earmarked funds can be used to match federal funds.

AND FURTHER AMEND by adding to the appropriate section an item to be appropriately numbered and to read as follows:

Item . Notwithstanding any other provision of the law to the contrary, in addition to any other appropriation made in this act, there is hereby appropriated the sum of six hundred eighty four dollars (\$684.00) to Mr. John J. Harris of Columbia, Tennessee for services rendered and expenses incurred during the Chapdelaine case after Mr. Harris' term as a member of the Board of Examiners for Land Surveyors expired. This appropriation is subject to the approval of the Commissioner of Finance and Administration and the Attorney General.

AND FURTHER AMEND by adding a new item to the appropriate section and to read as follows:

Item . In addition to the funds appropriated to the Consolidated Retirement System in Section, Title III-20, there is appropriated (\$3,200,000.00) for the purpose of implementing Senate Bill 344/House Bill 395 which will provide for each retired teacher, state general employee, or "aged" teacher or state employee a five percent (5%) one time increase in addition to the present cost of living provisions. This appropriation is subject to Senate Bill 344/House Bill 395 becoming Chapter _____ of Public Acts 1978.

Mr. Jensen moved to amend Amendment No. 1 as follows:

AMENDMENT NO. 1 TO AMENDMENT NO. 1

Amend Amendment No. 1 by adding to item (a) of the last paragraph of Section 7, after the word "adjusted.", which paragraph relates to the pay policies for state employees, the following proviso:

" : provided, however, if state revenues, excluding departmental and federal revenues, allocable to the General Fund for the fiscal year ending June 30, 1978, exceed \$1,339,195,000, as of July 1, 1978, all salary steps in the Tennessee Basic Compensation Plan shall be raised a minimum of three and one-half percent (3½%) and each employee paid on those steps shall be similarly adjusted, and the Tennessee Executive Grade Compensation Plan and the Tennessee Physician and Dentist Compensation Plan shall be raised a minimum of two and one-half percent (2½%) and each employee paid on those steps shall be similarly adjusted."

AND FURTHER AMEND by adding to item (b) of the last paragraph of Section 7, after the words and figures, "six and one-half percent (6½%).", which paragraph related to the pay policies for state employees, the following proviso:

" : provided, however, if state revenues, excluding departmental and federal revenues, allocable to the General Fund for the fiscal year ending June 30, 1978, exceed \$1,339,195,000, salary increases for employees of the technical institutes, community colleges and universities shall be subject to the following limitations: (1) Each employee earning less than \$8,000 per year shall receive an increase of not less than eight and one-half percent (8½%) and (2) The average increase for employees earning more than \$22,000 per year shall not exceed seven and one-half percent (7½%)."

AND FURTHER AMEND by adding to item (c) of the last paragraph of Section 7, after the word "Committees.", which paragraph relates to the pay policies for state employees, the following proviso:

" : provided, however, if state revenues, excluding departmental and federal revenues, allocable to the General Fund for the fiscal year ending June 30, 1978, exceed \$1,339,195,000, the limitation set forth in this item shall be eight and one-half percent (8½%) instead of seven and one-half percent (7½%)."

AND FURTHER AMEND by adding to Section 7, as amended, the following paragraph, to read as follows:

If state revenues, excluding departmental and federal revenues, allocable to the General Fund for the fiscal year ending June 30, 1978, exceed \$1,339,195,000, there is hereby appropriated for 1978-79 a sum sufficient to:

- (a) Grant state employees, including higher education employees, an average pay raise of eight and one-half percent (8½%), and
- (b) Grant public school teachers an average pay raise of eight and one-half (8½%) on the state salary schedule adopted by the State Board of Education.

Mr. Williams moved the previous question on the Amendment, which motion failed by the following vote:

Ayes.....	22
Noes.....	67

Representatives voting aye were: Chiles, Elkins, Fisher, Good, Hall, Hurley, Jensen, Longley, Martin, Miller, Moore, Nolan, Robinson (Washington), Scruggs, Shockley, Smith, Stafford, Wallace, Webb, Williams, Wolfe and Wood — 22.

Representatives voting no were: Atchley, Bell, Bewley, Bishop, Bissell, Blackburn, Bragg, Brewer, Buck, Burks, Burleson, Burnett (Fentress), Burnett (Sumner), Bussart, Butler, Byrd, Carter, Cawood, Clark, Darnell, Davidson (Robertson), Davidson (Wayne), DeBerry, DePriest, Dixon, Ellis, Fleming, Ford (Cocke), Ford (Shelby), Fuqua, Gaia, Gill, Henry, Hillis, Hood, Johnson, Kernell, King, Lanier, Ledford, Love, McKinney, Murphy (Davidson), Murphy (Shelby), Murray (Franklin), Murray (Madison), Naifeh, Ozment, Phillips, Rhinehart, Richards, Richardson, Robertson, Robinson (Davidson), Robinson (Hamilton), Spence, Stallings, Starnes, Steinhauer, Tanner, Turner, Watson, Withers, Work, Yelton, Young and Mr. Speaker McWherter — 67.

Mr. Ozment moved that Amendment No. 1 to Amendment No. 1 be tabled, which motion prevailed by the following vote:

Ayes.....	64
Noes.....	30

Representatives voting aye were: Atchley, Bell, Bishop, Bissell, Blackburn, Bragg, Brewer, Buck, Burks, Burnett (Fentress), Burnett (Sumner), Bussart, Butler, Byrd, Cawood, Clark, Darnell, Davidson (Robertson), Davidson (Wayne), Davis, DeBerry, DePriest, Dixon, Ellis, Fleming, Ford (Shelby), Fuqua, Gaia, Gill, Henry, Hillis, Hood, Johnson, Kernell, King, Lanier, Lashlee, Ledford, Love, McKinney, Murphy (Davidson), Murphy (Shelby), Murray (Franklin), Murray (Madison), Naifeh, Ozment, Phillips, Rhinehart, Richardson, Robinson (Davidson), Robinson (Hamilton), Spence, Stallings, Starnes, Steinhauer, Tanner, Turner, Wallace, Watson, Withers, Work, Yelton, Young and Mr. Speaker McWherter — 64.

Representatives voting no were: Ashford, Bewley, Burleson, Carter, Chiles, Elkins, Fisher, Ford (Cocke), Good, Hall, Hurley, Jensen, Longley, McAfee, Martin, Miller, Moore, Nolan, Richards, Robertson, Robinson (Washington), Scruggs, Shockley, Smith, Stafford, Sterling, Webb, Williams, Wolfe and Wood — 30.

Mr. McKinney moved to amend Amendment No. 1 as follows:

AMENDMENT NO. 2 TO AMENDMENT NO. 1

Amend Amendment No. 1 by inserting a new section which shall read as follows:

“An amount on the transfer tax paid by Vanderbilt University on the security instrument which the act passed in 1977 prohibited, and this sum be appropriated to Vanderbilt University.”

On motion, Amendment No. 2 to Amendment No. 1 was adopted.

Mr. Darnell moved to amend Amendment No. 1 as follows:

AMENDMENT NO. 3 TO AMENDMENT NO. 1

Amend Amendment No. 1 by adding an additional item to Section 17 as follows:

“Item 3. In addition to any other appropriation made in this Act, there is hereby appropriated Seven Thousand Two Hundred Dollars (\$7,200.00) for the purposes of funding one additional secretary, two additional full-time investigators, one garnishment clerk and one assistant URESA initiating clerk for the District Attorney General of the Tenth Judicial Circuit.”

On motion, Amendment No. 3 to Amendment No. 1 was adopted.

Mr. Ashford moved to amend Amendment No. 1 as follows:

AMENDMENT NO. 4 TO AMENDMENT NO. 1

Amend Amendment No. 1 by adding the following new item at the end of Section 11:

Item . Out of capital funds appropriated by this act to the Department of Correction, the sum of one hundred and twenty-five thousand dollars (\$125,000) shall be expended for the purchase of X-ray equipment for use in the main prison hospital.

Subject to the approval of the Department of Finance and Administration.

Mr. McKinney moved the previous question, which motion failed by the following vote:

Ayes.....	44
Noes.....	44
Present and not voting	2

Representatives voting aye were: Atchley, Bell, Bewley, Blackburn, Burks, Burleson, Burnett (Fentress), Butler, Clark, Darnell, Davidson (Wayne), DePriest, Dixon, Ellis, Fleming, Fuqua, Good, Henry, Hillis, Hood, Johnson, Lanier, Lashlee, Ledford, Love, McKinney, Miller, Murray (Franklin), Murray (Madison), Naifeh, Nolan, Phillips, Pruitt, Rhinehart, Robinson (Hamilton), Robinson (Washington), Small, Stallings, Tanner, Watson, Webb, Work, Yelton and Young — 44.

Representatives voting no were: Ashford, Bissell, Brewer, Buck, Bussart, Byrd, Carter, Cawood, Chiles, Cobb, Copeland, Davidson (Robertson), Elkins, Fisher, Ford (Cocke), Ford (Shelby), Gaia, Gill, Hall, Hurley, Jensen, Kernell, King, McAfee, Martin, Moore, Murphy (Davidson), Ozment, Richards, Richardson, Robertson, Scruggs, Shockley, Smith, Spence, Stafford, Starnes, Steinhauer, Turner, Wallace, Williams, Withers, Wolfe and Wood — 44.

Representatives present and not voting were: Burnett (Sumner) and DeBerry — 2.

Mr. Brewer moved to amend Amendment No. 1 as follows:

AMENDMENT NO. 5 TO AMENDMENT NO. 1

Amend Amendment No. 1 by deleting the following language which appears at the bottom of p. 16 of said amendment which reads as follows:

"AND FURTHER AMEND by adding the following new item at the end of section 11:

Item . From the funds appropriated to Middle Tennessee State University by the provisions of this act, there is allocated the sum of fifty thousand dollars (\$50,000) for the purpose of establishing and maintaining an Aerospace Public Service Center at such university."

and by substituting in lieu thereof the following language:

AND FURTHER AMEND by adding a new item to the appropriate section to be appropriately numbered and to read as follows:

Item . In addition to any other appropriation made in this act, there is hereby appropriated to the Board of Regents an amount of \$100,000 to be used for the establishment of the Tennessee Aerospace Public Service Center under the joint jurisdiction of Middle Tennessee State University and Tennessee State University. This program shall be administered under guidelines established by the Tennessee Higher Education Commission, such guidelines to insure equal participation in the program by the affected universities.

Mr. Bragg moved that Amendment No. 5 to Amendment No. 1 be tabled, which motion prevailed by the following vote:

Ayes.....	57
Noes.....	27
Present and not voting	2

Representatives voting aye were: Ashford, Atchley, Bell, Bewley, Bishop, Bissell, Blackburn, Bragg, Buck, Burks, Burleson, Burnett (Fentress), Bussart, Butler, Cawood, Chiles, Darnell, Davidson (Robertson), Davidson (Wayne), Davis, DePriest, Dixon, Elkins, Fleming, Fuqua, Hall, Henry, Hillis, Hood, Johnson, Lanier, Lashlee, McAfee, McKinney, Miller, Murray (Franklin), Murray (Madison), Naifeh, Nolan, Ozment, Phillips, Pickering, Rhinehart, Robinson (Davidson), Robinson (Washington), Scruggs, Stallings, Starnes, Tanner, Wallace, Watson, Webb, Wolfe, Wood, Work, Young and Mr. Speaker McWherter — 57.

Representatives voting no were: Brewer, Burnett (Sumner), Byrd, Clark, DeBerry, Ford (Cocke), Ford (Shelby), Good, Hurley, Jensen, Kernell, King, Ledford, Longley, Love, Martin, Murphy (Shelby), Pruitt, Richards, Richardson, Robertson, Robinson (Hamilton), Shockley, Stafford, Williams, Withers and Yelton — 27.

Representatives present and not voting were: Spence and Steinhauer — 2.

Mr. Ledford asked to be recorded as changing his vote from "no" to "aye" on Amendment No. 5 to Amendment No. 1 to House Bill No. 1668.

Mr. Steinhauer moved to amend Amendment No. 1 as follows:

AMENDMENT NO. 6 TO AMENDMENT NO. 1

Amend Amendment No. 1 by adding after the comma and before the word and in line 7 page 12 item 5 the words "or any supplemental census of population."

On motion, Amendment No. 6 to Amendment No. 1 was adopted.

Mr. Martin moved to amend Amendment No. 1 as follows:

AMENDMENT NO. 7 TO AMENDMENT NO. 1

Amend Amendment No. 1 by deleting Items 4 and 5 in their entirety and by substituting in lieu thereof the following language:

Item 4. There is hereby appropriated an amount of \$10,000,000 of which \$6,438,000 is appropriated to the 95 county governments for the purpose of improving county road systems and \$3,562,000 is appropriated to incorporated municipal governments for the purpose of improving city streets and city transportation systems. The appropriation to county governments shall be distributed to each of the 95 counties as follows: fifty percent (50%) on the basis of population, as determined by the 1970 federal census of population, and fifty percent (50%) on the basis of the number of miles of paved roads. The appropriation to incorporated municipalities shall be distributed to each of the incorporated municipalities on the basis of population, as determined by the 1970 federal census of population or any subsequent census. Payments shall be made to the counties and cities no later than September 1, 1978.

In the event funds of between \$500,000 and \$10,000,000 are available to distribute to cities and counties under this item, county governments shall receive 64.38% of such amount and city governments shall receive 35.62% of such amount. In the event an amount of less than \$500,000 is available for this item, no distribution shall be made to cities and counties.

Mr. Burnett (Fentress) moved that Amendment No. 7 to Amendment No. 1 be tabled, which motion prevailed by the following vote:

Ayes.....	67
Noes.....	25
Present and not voting	2

Representatives voting aye were: Bell, Bewley, Bishop, Bissell, Blackburn, Bragg, Buck, Burks, Burleson, Burnett (Fentress), Burnett (Sumner), Bussart, Butler, Cawood, Clark, Darnell, Davidson (Robertson), Davidson (Wayne), Davis, DePriest, Dixon, Elkins, Ellis, Fisher, Fleming, Ford (Cocke), Ford (Shelby), Fuqua, Good, Hillis, Hood, Hurley, Johnson, Lanier, Lashlee, Ledford, Longley, Love, McKinney, Murray (Franklin), Murray (Madison), Naifeh, Nolan, Phillips, Pickering, Pruitt, Rhinehart, Richardson, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Shockley, Spence, Stafford, Stallings, Starnes, Tanner, Wallace, Watson, Webb, Wolfe, Wood, Work, Yelton, Young and Mr. Speaker McWherter — 67.

Representatives voting no were: Ashford, Brewer, Byrd, Carter, Chiles, Cobb, DeBerry, Gaia, Gill, Hall, Jensen, Kernell, King, McAfee, Martin, Miller, Moore, Murphy (Davidson), Ozment, Scruggs, Small, Smith, Sterling, Turner and Williams — 25.

Representatives present and not voting were: Richards and Steinhauer — 2.

Mr. Gill moved to amend Amendment No. 1 as follows:

AMENDMENT NO. 8 TO AMENDMENT NO. 1

Amend Amendment No. 1 by deleting in its entirety the second full amendatory clause on page 15 of the amendment, relative to minimum foundation school program funds.

Mr. Rhinehart moved that Amendment No. 8 to Amendment No. 1 be tabled, which motion prevailed by the following vote:

Ayes.....	50
Noes.....	41
Present and not voting	3

Representatives voting aye were: Atchley, Bell, Bewley, Bishop, Bissell, Blackburn, Buck, Burks, Burleson, Burnett (Fentress), Burnett (Sumner), Bussart, Butler, Carter, Davidson (Wayne), DePriest, Dixon, Elkins, Fisher, Ford (Cocke), Fuqua, Good, Henry, Hillis, Hood, Hurley, Johnson, Lashlee, Ledford, Longley, McKinney, Murray (Franklin), Murray (Madison), Naifeh, Phillips, Pickering, Rhinehart, Robertson, Robinson (Washington), Stafford, Stallings, Steinhauer, Tanner, Wallace, Watson, Webb, Wolfe, Work, Yelton and Mr. Speaker McWherter — 50.

Representatives voting no were: Ashford, Brewer, Byrd, Chiles, Clark, Cobb, Copeland, Darnell, Davidson (Robertson), Davis, DeBerry, Ellis, Fleming, Gaia, Gill, Hall, Jensen, Kernell, King, Lanier, Love, McAfee, Martin, Miller, Moore, Murphy (Davidson), Nolan, Ozment, Pruitt, Richards, Richardson, Robinson (Davidson), Robinson (Hamilton), Scruggs, Small, Smith, Spence, Starnes, Sterling, Turner and Williams — 41.

Representatives present and not voting were: Cawood, Shockley and Wood — 3.

Mr. Murphy (Davidson) moved to amend Amendment No. 1 as follows:

AMENDMENT NO. 9 TO AMENDMENT NO. 1

Amend Amendment No. 1 by deleting from the first item of page 39 the following words:

“federal funds.”

And by substituting in lieu thereof the following

“federal and/or local funds.”

On motion, Amendment No. 9 to Amendment No. 1 was adopted.

Mr. Stafford moved to amend Amendment No. 1 as follows:

AMENDMENT NO. 10 TO AMENDMENT NO. 1

Amend Amendment No. 1 by deleting the words and figures “sum of \$1,950,000 to the Tennessee Law Enforcement Planning Commission” in the tenth and eleventh lines on page 8 and

by substituting instead the words and figures "sum of \$3,900,000 to the Tennessee Law Enforcement Planning Commission".

Mr. Burnett (Fentress) moved that Amendment No. 10 to Amendment No. 1 be tabled, which motion prevailed by the following vote:

Ayes.....	48
Noes.....	33
Present and not voting	5

Representatives voting aye were: Bell, Bishop, Blackburn, Bragg, Brewer, Burks, Burleson, Burnett (Fentress), Burnett (Sumner), Bussart, Cawood, Clark, Darnell, Davidson (Robertson), DeBerry, DePriest, Dixon, Ellis, Fuqua, Hillis, Johnson, King, Lanier, Lashlee, Ledford, Love, McKinney, Martin, Murray (Franklin), Murray (Madison), Naifeh, Phillips, Pickering, Pruitt, Rhinehart, Richardson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Stallings, Starnes, Tanner, Wallace, Watson, Webb, Work, Young and Mr. Speaker McWherter — 48.

Representatives voting no were: Bissell, Byrd, Carter, Chiles, Cobb, Davis, Fisher, Ford (Cocke), Gaia, Gill, Good, Hall, Hood, Hurley, Jensen, Kernell, Longley, McAfee, Moore, Richards, Robertson, Scruggs, Shockley, Small, Spence, Stafford, Steinhauer, Sterling, Turner, Williams, Wolfe, Wood and Yelton — 33.

Representatives present and not voting were: Atchley, Bewley, Fleming, Henry and Miller — 5.

Mr. Bragg moved to amend Amendment No. 1 as follows:

AMENDMENT NO. 11 TO AMENDMENT NO. 1

Amend Amendment No. 1 by amending the original bill by inserting the following language in Section 1 at the end of Title III-24 the following paragraphs:

The 'Proposed Highway Program for Fiscal Year 1978-79' dated January 24, 1978, prepared by the Department of Transportation as a supplement to and as 'Supporting Data for the Budget Request' is hereby incorporated into and made a part of the Appropriations Act.

Whenever a determination is made that one or more of the projects in the approved program cannot be proceeded with, the Commissioner of Transportation shall furnish, in written form as prescribed by the Chairmen of the Finance, Ways and Means Committees of the Senate and House, the Chairman of the Highway Planning, Development, and Safety Committee of the Senate and Chairman of the Transportation Committee of the House, the reasons for such proposed cancellation or rescheduling of said project together with his recommendation for a substitute project, to the Speaker of the Senate and Speaker of the House of Representatives of the General Assembly, to the Chairmen of the Finance, Ways and Means Committees of the Senate and House, to the Chairman of the Highway Planning, Development and Safety Committee of the Senate and Chairman of the Transportation Committee of the House, and to the individual Senators and Representatives in whose district the cancelled and any proposed substitution is located.

On motion, Amendment No. 11 to Amendment No. 1 was adopted.

Mr. Bragg moved to amend Amendment No. 1 as follows:

AMENDMENT NO. 12 TO AMENDMENT NO. 1

Amend Amendment No. 1 by deleting the following language which appears at the bottom of p. 16 of said amendment which reads as follows:

Item . From the funds appropriated to Middle Tennessee State University by the provisions of this act, there is allocated the sum of fifty thousand dollars (\$50,000) for the purpose of establishing and maintaining an Aerospace Public Service Center at such university."

On motion, Amendment No. 12 to Amendment No. 1 was adopted.

Mr. McKinney moved to amend Amendment No. 1 as follows:

AMENDMENT NO. 13 TO AMENDMENT NO. 1

Amend Amendment No. 1 by adding a new section to read:

"Section . In counties with a metropolitan form of gov., the administrative budget of the school board may not increase over 1% this year. If there is a larger increase, the school board shall lose state funding."

On motion, Amendment No. 13 to Amendment No. 1 was adopted.

Thereupon, Amendment No. 1, as amended, was adopted.

Messrs. Robinson (Davidson) and Love asked to be recorded as voting no on Amendment No. 13 to Amendment No. 1 to House Bill No. 1668.

Mr. Ledford moved to amend as follows:

AMENDMENT NO. 2

Amend House Bill No. 1668 by adding to the appropriate section an item to be appropriately numbered and to read as follows:

Item . There is hereby appropriated to the Department of Mental Health and Mental Retardation the additional sum of one million eighty-nine hundred dollars (\$1,089,000), which shall be earmarked specifically to provide full twenty-five percent (25%) of the matching funds of all developmental disabilities programs that are receiving Title XX contracts. Such appropriation shall be in addition to any other appropriations in the Act for the Department of Mental Health and Mental Retardation.

Mr. Burnett (Fentress) moved that Amendment No. 2 be tabled, which motion failed by the following vote:

Ayes.....	39
Noes.....	46
Present and not voting	2

Representatives voting aye were: Atchley, Bewley, Bragg, Brewer, Buck, Burleson, Burnett (Fentress), Bussart, Butler, Clark, Darnell, Davidson (Robertson), Davis, DePriest, Ellis, Fleming, Fuqua, Henry, Hillis, Johnson, King, Lanier, Lashlee, Love, McKinney, Murray (Franklin), Naifeh, Phillips, Pickering, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Stallings, Tanner, Wallace, Watson, Webb, Work and Mr. Speaker McWherter — 39.

Representatives voting no were: Ashford, Bissell, Blackburn, Burks, Byrd, Carter, Cawood, Cobb, Davidson (Wayne), DeBerry, Dixon, Elkins, Fisher, Ford (Cocke), Ford (Shelby), Gaia, Gill, Hall, Hood, Hurley, Jensen, Kernell, Ledford, McAfee, Martin, Miller, Moore, Murray (Madison), Nolan, Pruitt, Richards, Robertson, Scruggs, Shockley, Small, Smith, Spence, Stafford, Steinhauer, Sterling, Turner, Williams, Wolfe, Wood, Yelton and Young — 46.

Representatives present and not voting were: Good and Starnes — 2.

Thereupon, Amendment No. 2 failed to be adopted by the following vote:

Ayes.....	40
Noes.....	46
Present and not voting	2

Representatives voting aye were: Ashford, Bissell, Carter, Cawood, Chiles, Cobb, DeBerry, Elkins, Fisher, Ford (Cocke), Ford (Shelby), Gaia, Hall, Henry, Hood, Hurley, Jensen, Kernell, Ledford, Martin, Miller, Moore, Murphy (Shelby), Nolan, Richards, Robertson, Scruggs, Shockley, Smith, Spence, Stafford, Steinhauer, Sterling, Turner, Williams, Withers, Wolfe, Wood, Yelton and Young — 40.

Representatives voting no were: Atchley, Bell, Bewley, Bishop, Blackburn, Bragg, Brewer, Buck, Burks, Burleson, Burnett (Fentress), Bussart, Copeland, Darnell, Davidson (Robertson), Davidson (Wayne), Davis, DePriest, Dixon, Ellis, Fuqua, Gill, Hillis, Johnson, King, Lanier, Lashlee, Longley, Love, McKinney, Murray (Franklin), Murray (Madison), Naifeh, Phillips, Pickering, Rhinehart, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Stallings, Starnes, Tanner, Wallace, Webb, Work and Mr. Speaker McWherter — 46.

Representatives present and not voting were: Byrd and Richardson — 2.

Mr. Hall moved to amend as follows:

AMENDMENT NO. 3

Amend House Bill No. 1668 by designating the original language in section 43 as item 1 and by adding the following new item at the end of the section.

Item . In addition to any funds appropriated by the provisions of this act, there is appropriated a sum sufficient to the department of transportation for the sole purpose of constructing an elevated pedestrian bridge over highway 62 where the Karns elementary, middle and high schools are located in Knox County.

Mr. Burnett (Fentress) moved that Amendment No. 3 be tabled, which motion prevailed.

Mr. Robinson (Washington) moved the previous question, which motion prevailed by the following vote:

Ayes.....	71
Noes.....	11
Present and not voting	1

Representatives voting aye were: Atchley, Bell, Bewley, Bishop, Bissell, Blackburn, Bragg, Buck, Burks, Burleson, Burnett (Fentress), Burnett (Sumner), Bussart, Butler, Byrd, Cawood, Chiles, Copeland, Darnell, Davidson (Robertson), Davidson (Wayne), Davis, DePriest, Dixon, Elkins, Fisher, Fleming, Fuqua, Gaia, Gill, Good, Hall, Henry, Hillis, Hood, Hurley, Jensen, Johnson, Kernell, King, Lanier, Lashlee, Love, Miller, Murphy (Davidson), Murphy (Shelby), Murray (Franklin), Murray (Madison), Nolan, Phillips, Pickering, Pruitt, Rhinehart, Richardson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Shockley, Spence, Stallings, Starnes, Sterling, Tanner, Wallace, Watson, Webb, Williams, Withers, Wolfe, Work and Mr. Speaker McWherter — 71.

Representatives voting no were: Ashford, Brewer, Carter, Ford (Cocke), Moore, Richards, Robertson, Scruggs, Smith, Stafford and Wood — 11.

Representative present and not voting was: Steinhauer — 1.

Thereupon, House Bill No. 1668, as amended, passed its third and final reading by the following vote:

Ayes.....	96
Noes.....	1
Present and not voting	2

Representatives voting aye were: Atchley, Bell, Bewley, Bishop, Bissell, Blackburn, Bragg, Brewer, Buck, Burks, Burleson, Burnett (Fentress), Burnett (Sumner), Bussart, Butler, Byrd, Carter, Cawood, Chiles, Clark, Cobb, Copeland, Darnell, Davidson (Robertson), Davidson (Wayne), Davis, DeBerry, DePriest, Dixon, Elkins, Ellis, Fisher, Fleming, Ford (Cocke), Ford (Shelby), Fuqua, Gaia, Gill, Good, Hall, Henry, Hillis, Hood, Hurley, Jensen, Johnson, Kernell, King, Lanier, Lashlee, Ledford, Longley, Love, McAfee, McKinney, Martin, Miller, Murphy (Davidson), Murphy (Shelby), Murray (Franklin), Murray (Madison), Naifeh, Nolan, Oment, Phillips, Pickering, Pruitt, Rhinehart, Richards, Richardson, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Shockley, Small, Smith, Spence, Stallings, Starnes, Steinhauer, Sterling, Tanner, Turner, Wallace, Watson, Webb, Williams, Withers, Wolfe, Wood, Work, Yelton, Young and Mr. Speaker McWherter — 96.

Representative voting no was: Stafford — 1.

Representatives present and not voting were: Ashford and Moore — 2.

A motion to reconsider was tabled.

Mr. Ellis moved that House Bill No. 1586 be placed on the Calendar for Thursday, March 16, 1978, which motion prevailed.

Mr. Speaker McWherter relinquished the Chair to Mr. Brewer, Speaker pro tem.

House Bill No. 1943 — To regulate medical care of prisoners.

Mr. Buck moved that House Bill No. 1943 be passed on third and final reading.

Mr. Gill moved to amend as follows:

AMENDMENT NO. 1

Amend House Bill No. 1943 as follows:

in the amendatory language of Section 1 by inserting in the second line thereof between the word "and" and the word "medical", the symbol and word "/or"

AND FURTHER AMEND by deleting from the first sentence of the amendatory language in Section 1, the symbol and words:

“, provided such prisoner is admitted to the hospital”.

AND FURTHER AMEND in the fourth sentence of the amendatory language of Section 1 by inserting between the word “and” and “add the word” medical”, the symbol and word “/or”.

On motion, the amendment was adopted.

Mr. Buck moved to amend as follows:

AMENDMENT NO. 2

Amend House Bill No. 1943 by deleting the word “prisoner” wherever it occurs in Section 1 and substituting instead the words “state prisoner”.

AND FURTHER AMEND by deleting the words “Commissioner of Finance and Administration” in Section 1 and substituting instead the words “judicial cost accountant”.

AND FURTHER AMEND by inserting between the words “or” and “medical” in the second line of the amendatory language of Section 1 the word “emergency”.

AND FURTHER AMEND by changing the period at the end of Section 2 to a semicolon and adding the following sentence:

provided, however, that claims for incidents occurring after March 1, 1977, shall be reimbursed if otherwise authorized by this Act.

On motion, the amendment was adopted.

Thereupon, House Bill No. 1943, as amended, passed its third and final reading by the following vote:

Ayes.....	95
Noes.....	0

Representatives voting aye were: Atchley, Bell, Bewley, Bishop, Bissell, Blackburn, Bragg, Brewer, Buck, Burks, Burleson, Burnett (Fentress), Burnett (Sumner), Bussart, Butler, Byrd, Carter, Cawood, Chiles, Clark, Cobb, Copeland, Darnell, Davidson (Robertson), Davidson

(Wayne), Davis, DeBerry, DePriest, Dixon, Elkins, Ellis, Fisher, Fleming, Ford (Cocke), Ford (Shelby), Fuqua, Gaia, Gill, Good, Hall, Henry, Hillis, Hood, Hurley, Jensen, Johnson, Kernell, King, Lanier, Lashlee, Ledford, Longley, Love, McAfee, McKinney, Martin, Miller, Murphy (Shelby), Murray (Franklin), Murray (Madison), Naifeh, Nolan, Ozment, Phillips, Pickering, Pruitt, Rhinehart, Richards, Richardson, Robertson, Robinson (Hamilton), Robinson (Washington), Scruggs, Shockley, Small, Smith, Spence, Stafford, Stallings, Starnes, Steinhauer, Sterling, Tanner, Turner, Wallace, Watson, Webb, Williams, Withers, Wolfe, Wood, Work, Yelton, Young and Mr. Speaker McWherter — 95.

A motion to reconsider was tabled.

Mr. Bragg moved that House Bill No. 2437 be placed on the Calendar for Thursday, March 16, 1978, which motion prevailed.

House Bill No. 1821 — To create an Institute for Labor Studies.

Mr. Bissell moved that House Bill No. 1821 be passed on third and final reading, which motion prevailed by the following vote:

Ayes.....	88
Noes.....	1
Present and not voting	3

Representatives voting aye were: Ashford, Atchley, Bell, Bewley, Bishop, Bissell, Blackburn, Bragg, Brewer, Buck, Burks, Burleson, Burnett (Fentress), Bussart, Butler, Carter, Cawood, Clark, Cobb, Copeland, Darnell, Davidson (Robertson), Davidson (Wayne), Davis, DeBerry, DePriest, Dixon, Elkins, Ellis, Fisher, Fleming, Ford (Cocke), Ford (Shelby), Fuqua, Gaia, Gill, Good, Hall, Hillis, Hood, Hurley, Jensen, Johnson, Kernell, King, Lanier, Lashlee, Ledford, Longley, Love, McAfee, McKinney, Miller, Murphy (Davidson), Murray (Franklin), Murray (Madison), Naifeh, Nolan, Ozment, Phillips, Pickering, Pruitt, Rhinehart, Richards, Richardson, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Shockley, Small, Smith, Spence, Stafford, Stallings, Starnes, Steinhauer, Sterling, Tanner, Turner, Wallace, Watson, Webb, Williams, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter — 88.

Representative voting no was: Chiles — 1.

Representatives present and not voting were: Byrd, Henry and Scruggs — 3.

A motion to reconsider was tabled.

House Bill No. 2017 — To amend Chapter 3, Title 39, Code.

On motion, House Bill No. 2017 was made to conform with Senate Bill No. 2070.

On motion, Senate Bill No. 2070, on same subject, was substituted for House Bill No. 2017.

Mr. Clark moved that Senate Bill No. 2070 be passed on third and final reading.

Mr. Rhinehart moved to amend as follows:

AMENDMENT NO. 1

Amend Senate Bill No. 2070 by adding the following new subsection at the end of section 1:

- (c) No cause of action for wrongful death shall be brought which arises out of the death of a fetus or infant during the course of a lawful abortion, whether such fetus or infant is quick or not, so long as the abortion is performed in accordance with the provisions of this chapter, provided however once an infant is born a live any person in attendance thereto shall be civilly responsible for providing all reasonable and necessary care reasonable under the circumstances, in the general vicinity in which they practice.

On motion, the amendment was adopted.

Mr. Buck moved to amend as follows:

AMENDMENT NO. 2

Amend Senate Bill No. 2070 by substituting the word "felony" for the word "misdemeanor" in the amendatory language of Section 1.

On motion, the amendment was adopted.

Thereupon, Senate Bill No. 2070, as amended, passed its third and final reading by the following vote:

Ayes.....	86
Noes.....	5
Present and not voting	3

Representatives voting aye were: Ashford, Atchley, Bell, Bewley, Bishop, Bissell, Blackburn, Bragg, Buck, Burks, Burleson, Burnett (Fentress), Burnett (Sumner), Bussart, Butler, Byrd, Carter, Cawood, Chiles, Clark, Cobb, Copeland, Darnell, Davidson (Robertson), Davidson (Wayne), Davis, DePriest, Elkins, Ellis, Fisher, Fleming, Ford (Cocke), Ford (Shelby), Fuqua, Gill, Good, Hall, Henry, Hillis, Hood, Hurley, Johnson, Kernell, King, Lanier, Lashlee, Ledford, Longley, Love, McAfee, McKinney, Miller, Moore, Murphy (Davidson), Murphy (Shelby), Murray (Franklin), Murray (Madison), Naifeh, Ozment, Phillips, Pickering, Pruitt, Rhinehart, Richards, Richardson, Robertson, Robinson (Davidson), Robinson (Hamilton), Scruggs, Shockley, Smith, Stallings, Starnes, Steinhauer, Sterling, Tanner, Turner, Wallace, Watson, Webb, Williams, Withers, Wolfe, Wood, Yelton and Young — 86.

Representatives voting no were: DeBerry, Gaia, Martin, Robinson (Washington) and Spence — 5.

Representatives present and not voting were: Nolan, Work and Mr. Speaker McWherter — 3.

A motion to reconsider was tabled.

House Bill No. 2263 — To amend Sections 11-1706 and 11-1712, Code.

On motion, House Bill No. 2263 was made to conform with Senate Bill No. 1966.

On motion, Senate Bill No. 1966, on same subject, was substituted for House Bill No. 2263.

Mr. Hillis moved that Senate Bill No. 1966 be passed on third and final reading, which motion prevailed by the following vote:

Ayes.....	93
Noes.....	0

Representatives voting aye were: Ashford, Atchley, Bell, Bewley, Bishop, Bissell, Blackburn, Bragg, Brewer, Buck, Burks, Burleson, Burnett (Fentress), Burnett (Sumner), Bussart, Butler, Byrd, Cawood, Chiles, Clark, Copeland, Darnell, Davidson (Robertson), Davidson (Wayne), Davis, DeBerry, DePriest, Elkins, Ellis, Fisher, Fleming, Ford (Cocke), Ford (Shelby), Fuqua, Gaia, Good, Hall, Henry, Hillis, Hood, Hurley, Jensen, Johnson, Kernell, King, Lanier, Lashlee, Ledford, Longley, Love, McAfee, McKinney, Martin, Miller, Murphy (Davidson), Murphy (Shelby), Murray (Franklin), Murray (Madison), Naifeh, Nolan, Ozment, Phillips, Pickering, Pruitt, Rhinehart, Richards, Richardson, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Small, Smith, Spence, Stafford, Stallings, Starnes, Steinhauer, Sterling, Tanner, Turner, Wallace, Watson, Webb, Williams, Withers, Wolfe, Wood, Work, Yelton, Young and Mr. Speaker McWherter — 93.

A motion to reconsider was tabled.

House Bill No. 2395 — To amend Section 11-1706 and 11-1712, Code.

On motion, House Bill No. 2395 was made to conform with Senate Bill No. 2268.

On motion, Senate Bill No. 2268, on same subject, was substituted for House Bill No. 2395.

Mr. Hillis moved that Senate Bill No. 2268 be re-referred to the Committee on Calendar and Rules, which motion prevailed.

House Bill No. 32 — To amend Sections 67-645 and 67-646, Code.

Mr. Blackburn moved that House Bill No. 32 be passed on third and final reading.

Mr. Bragg moved to amend as follows:

AMENDMENT NO. 1

Amend House Bill No. 32 by striking Sections 1, 2, and 3 in their entirety and substituting therefore the following:

Section 1. Tennessee Code Annotated, Section 67-645, is amended by deleting the words and figures, "four thousand eight hundred dollars (\$4,800) and substituting therefore, "seven thousand two hundred dollars (\$7,200); and, by deleting the words and figures, "five thousand dollars (\$5,000)" and substituting therefore, "seven thousand five hundred dollars (\$7,500)".

Section 2 Tennessee Code Annotated, Section 67-646, is amended by deleting the words and figures, "four thousand eight hundred dollars (\$4,800)" and substituting therefore the words and figures, "seven thousand two hundred dollars (\$7,200); and, by deleting the words and figures, "five thousand dollars (\$5,000) and substituting therefore "seven thousand five hundred dollars (\$7,500).

Section 3. This act shall take effect on being signed into law and shall be applicable to the 1978 tax year and each tax year thereafter. Claims filed after the passage of this act but covering years prior to 1978 shall be governed by the law prior to the passage of this act.

On motion, the amendment was adopted.

Mr. Blackburn moved to amend as follows:

AMENDMENT NO. 2

Amend House Bill No. 32 by designating Section 3 to be Section 4, and by adding a new Section 3 as follows:

SECTION 3. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

On motion, the amendment was adopted.

Thereupon, House Bill No. 32, as amended, passed its third and final reading by the following vote:

Ayes.....	95
Noes.....	0

Representatives voting aye were: Ashford, Atchley, Bell, Bewley, Bishop, Bissell, Blackburn, Bragg, Brewer, Buck, Burks, Burleson, Burnett (Fentress), Burnett (Sumner), Bussart, Butler, Byrd, Carter, Cawood, Chiles, Clark, Copeland, Darnell, Davidson (Robertson), Davidson (Wayne), Davis, DeBerry, DePriest, Elkins, Ellis, Fisher, Fleming, Ford (Cocke), Ford (Shelby), Fuqua, Gaia, Gill, Good, Hall, Henry, Hillis, Hood, Hurley, Jensen, Johnson, Kernell, King, Lanier, Lashlee, Ledford, Longley, Love, McAfee, McKinney, Martin, Miller, Murphy (Shelby), Murray (Franklin), Murray (Madison), Naifeh, Nolan, Ozment, Phillips, Pickering, Pruitt, Rhinehart, Richards, Richardson, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Shockley, Small, Smith, Spence, Stafford, Stallings, Starnes, Steinhauer, Sterling, Tanner, Turner, Wallace, Watson, Webb, Williams, Withers, Wolfe, Wood, Work, Yelton, Young and Mr. Speaker McWherter — 95.

A motion to reconsider was tabled.

House Joint Resolution No. 333 — Relative to improving I-40 in Knox and Loudon counties.

Mr. Jensen moved that House Joint Resolution No. 333 be adopted, which motion prevailed by the following vote:

Ayes.....	88
Noes.....	0

Representatives voting aye were: Ashford, Atchley, Bell, Bewley, Bishop, Bissell, Blackburn, Bragg, Brewer, Buck, Burks, Burleson, Burnett (Fentress), Burnett (Sumner), Bussart, Butler, Byrd, Carter, Cawood, Chiles, Clark, Darnell, Davidson (Robertson), David-

son (Wayne), Davis, DeBerry, DePriest, Elkins, Ellis, Fleming, Ford (Cocke), Ford (Shelby), Fuqua, Gill, Good, Hall, Henry, Hillis, Hurley, Jensen, Johnson, Kernell, King, Lanier, Lashlee, Longley, Love, McAfee, McKinney, Martin, Miller, Moore, Murphy (Davidson), Murphy (Shelby), Murray (Franklin), Murray (Madison), Naifeh, Nolan, Phillips, Pruitt, Rhinehart, Richards, Richardson, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Small, Smith, Spence, Stafford, Stallings, Starnes, Steinhauer, Sterling, Tanner, Turner, Wallace, Watson, Webb, Williams, Withers, Wolfe, Wood, Work, Yelton and Young — 88.

A motion to reconsider was tabled.

House Joint Resolution No. 278 — Relative to hearings, cost of treatment, chest disease patients.

Mr. Jensen moved that House Joint Resolution No. 278 be adopted.

Mr. Gill moved to amend as follows:

AMENDMENT NO. 1

Amend House Joint Resolution No. 278 by deleting from lines three and four of the fifth WHEREAS clause the following words "before approval is given to the department of public health's budget request for fiscal year 1978-79" so that the amended clause reads:

"WHEREAS, the General Assembly feels that certain questions regarding the cost efficiency of the program of chest disease hospitals should be studied; now, therefore,

On motion, the amendment was adopted.

Thereupon, House Joint Resolution No. 278, as amended, was adopted by the following vote:

Ayes.....	86
Noes.....	0

Representatives voting aye were: Ashford, Atchley, Bell, Bewley, Bishop, Bissell, Blackburn, Bragg, Buck, Burks, Burleson, Bussart, Butler, Byrd, Carter, Cawood, Chiles, Clark, Cobb, Darnell, Davidson (Robertson), Davis, DeBerry, DePriest, Elkins, Ellis, Fisher, Fleming, Ford (Cocke), Ford (Shelby), Fuqua, Gill, Good, Hall, Henry, Hillis, Hood, Hurley, Jensen, Johnson, Kernell, King, Lanier, Lashlee, Ledford, Longley, Love, McAfee, Miller, Moore, Murphy (Davidson), Murray (Franklin), Murray (Madison), Naifeh, Nolan, Ozment, Phillips, Rhinehart, Richards, Richardson, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Shockley, Small, Smith, Spence, Stafford, Stallings, Starnes, Steinhauer, Sterling, Tanner, Turner, Wallace, Watson, Webb, Williams, Withers, Wolfe, Wood, Work, Yelton and Young — 86.

A motion to reconsider was tabled.

Mr. Speaker pro tem Brewer relinquished the Chair to Mr. Martin, Speaker pro tem.

House Bill No. 1871 — To regulate travel expenses of state employees.

Mr. Moore moved that House Bill No. 1871 be passed on third and final reading.

Mr. Murray (Madison) moved to amend as follows:

AMENDMENT NO. 1

Amend House Bill No. 1871 by deleting from the amendatory language of section 1 the words and figures "by Tennessee Code Annotated, Section 3-114" and substituting instead the words "for members of the general assembly".

On motion, the amendment was adopted.

Mr. Moore moved to amend as follows:

AMENDMENT NO. 2

Amend House Bill No. 1871 by deleting from the fifth and sixth lines of the amendatory language of Section 1 the following:

"equal to that provided by Tennessee Code Annotated, Section 3-114",

and substituting instead the following:

"equal to that provided for members of the general assembly by Tennessee Code Annotated, Sections 3-114 (c) and 8-230 (d)".

Mr. Cawood moved that Amendment No. 2 be tabled, which motion failed by the following vote:

Ayes.....	15
Noes.....	67
Present and not voting	4

Representatives voting aye were: Bell, Cawood, Copeland, Darnell, Davidson (Robertson), Davidson (Wayne), McKinney, Murphy (Shelby), Murray (Franklin), Nolan, Pickering, Robinson (Hamilton), Robinson (Washington), Shockley and Work — 15.

Representatives voting no were: Ashford, Atchley, Bewley, Bishop, Bissell, Bragg, Buck, Burks, Burleson, Burnett (Fentress), Butler, Carter, Chiles, Clark, Cobb, Davis, DeBerry, DePriest, Elkins, Ellis, Fisher, Fleming, Ford (Cocke), Ford (Shelby), Fuqua, Gaia, Gill, Good, Hall, Henry, Hurley, Johnson, Kernell, King, Lanier, Lashlee, Ledford, Martin, Miller, Murphy (Davidson), Murray (Madison), Naifeh, Ozment, Phillips, Pruitt, Rhinehart, Richards, Richardson, Robertson, Robinson (Davidson), Scruggs, Smith, Spence, Stafford, Stallings, Starnes, Steinhauer, Tanner, Turner, Wallace, Watson, Webb, Williams, Withers, Wolfe, Wood and Young — 67.

Representatives present and not voting were: Burnett (Sumner), Bussart, Byrd and Hillis — 4.

Mr. Shockley asked to be recorded as changing his vote from "aye" to "no" on the motion to table Amendment No. 2 to House Bill No. 1871.

Thereupon, Amendment No. 2 was adopted by the following vote:

Ayes.....	65
Noes.....	21
Present and not voting	3

Representatives voting aye were: Ashford, Atchley, Bewley, Bishop, Bissell, Burks, Burleson, Burnett (Fentress), Carter, Chiles, Clark, Cobb, Copeland, Davis, DePriest, Elkins, Ellis, Fisher, Fleming, Ford (Cocke), Fuqua, Gaia, Gill, Good, Hall, Henry, Hillis, Jensen, Johnson, Kernell, King, Lanier, Lashlee, Ledford, Longley, Love, McAfee, Martin, Miller, Murphy (Davidson), Murray (Madison), Naifeh, Nolan, Ozment, Pruitt, Rhinehart, Richards, Richardson, Robertson, Robinson (Davidson), Scruggs, Shockley, Smith, Stafford, Starnes, Steinhauer, Sterling, Turner, Wallace, Watson, Webb, Williams, Withers, Wolfe and Wood — 65.

Representatives voting no were: Bell, Bragg, Brewer, Buck, Burnett (Sumner), Butler, Cawood, Davidson (Robertson), Davidson (Wayne), DeBerry, Ford (Shelby), Hurley, McKinney, Murphy (Shelby), Murray (Franklin), Phillips, Robinson (Washington), Stallings, Tanner, Work and Mr. Speaker McWherter — 21.

Representatives present and not voting were: Byrd, Robinson (Hamilton) and Spence — 3.

Mr. Bragg moved that House Bill No. 1871 be re-referred to the Committee on Finance, Ways and Means.

Mr. Rhinehart moved that the motion be tabled, which motion prevailed by the following vote:

Ayes.....	51
Noes.....	35
Present and not voting	4

Representatives voting aye were: Ashford, Atchley, Bissell, Burleson, Bussart, Byrd, Carter, Chiles, Clark, Cobb, DeBerry, Dixon, Fisher, Ford (Shelby), Fuqua, Gaia, Gill, Hall, Henry, Hillis, Hurley, King, Lanier, Lashlee, Ledford, Longley, McAfee, Martin, Miller, Murphy (Davidson), Murray (Madison), Naifeh, Ozment, Phillips, Rhinehart, Richards, Richardson, Robertson, Robinson (Davidson), Scruggs, Shockley, Stafford, Stallings, Steinhauer, Turner, Wallace, Webb, Williams, Withers, Wood and Young — 51.

Representatives voting no were: Bell, Bewley, Bishop, Blackburn, Bragg, Brewer, Burks, Burnett (Fentress), Burnett (Sumner), Butler, Cawood, Copeland, Davidson (Robertson), Davidson (Wayne), DePriest, Elkins, Ford (Cocke), Hood, Jensen, Johnson, Love, McKinney, Murphy (Shelby), Murray (Franklin), Nolan, Pickering, Pruitt, Robinson (Hamilton), Robinson (Washington), Smith, Spence, Tanner, Wood, Work, Yelton and Mr. Speaker McWherter — 35.

Representatives present and not voting were: Fleming, Good, Starnes and Wolfe — 4.

Mr. Ashford moved to amend as follows:

AMENDMENT NO. 3

Amend House Bill No. 1871 by striking Section 2 in its entirety and by substituting a new section 2 to read as follows:

Section 2. This act shall become effective on January 1, 1979.

On motion, the amendment was adopted.

Mr. Murray (Madison) moved to amend as follows:

AMENDMENT NO. 4

Amend House Bill No. 1871 by deleting the amendatory language of Section 1 and substituting in lieu thereof the following:

The commissioner shall allow a state employee, traveling within Tennessee, a maximum amount, exclusive of tax, of three dollars (\$3.00) for breakfast, three dollars (\$3.00) for lunch, seven dollars (\$7.00) for dinner, twenty dollars (\$20.00) for lodging, and an amount per mile for travel in personally owned vehicles as established by the Department of Finance and Administration. Meal and lodging expenditures shall be supported by receipts.

On motion, the amendment was adopted.

Thereupon, House Bill No. 1871, as amended, passed its third and final reading by the following vote:

Ayes.....	91
Noes.....	0

Representatives voting aye were: Ashford, Atchley, Bell, Bewley, Bishop, Bissell, Blackburn, Bragg, Brewer, Buck, Burks, Burleson, Burnett (Fentress), Burnett (Sumner), Bussart, Butler, Byrd, Carter, Cawood, Clark, Cobb, Darnell, Davidson (Robertson), Davidson (Wayne), Davis, DeBerry, DePriest, Elkins, Ellis, Fisher, Fleming, Ford (Cocke), Ford (Shelby), Fuqua, Gill, Good, Hall, Henry, Hillis, Hood, Hurley, Jensen, Johnson, Kernell, King, Lanier, Lashlee, Longley, Love, McAfee, McKinney, Martin, Miller, Moore, Murphy (Davidson), Murphy (Shelby), Murray (Franklin), Murray (Madison), Naifeh, Nolan, Ozment, Phillips, Pickering, Rhinehart, Richards, Richardson, Robertson, Robinson (Davidson), Robinson (Hamilton), Scruggs, Shockley, Small, Smith, Spence, Stafford, Stallings, Starnes, Steinhauer, Sterling, Tanner, Turner, Wallace, Watson, Webb, Williams, Withers, Wolfe, Wood, Work, Yelton and Young — 91.

A motion to reconsider was tabled.

House Bill No. 2470 — To amend Section 19-109, Code.

Mr. Gill moved that House Bill No. 2470 be passed on third and final reading.

Mr. Gill moved to amend as follows:

AMENDMENT NO. 1

Amend House Bill No. 2470 by deleting the period at the end of the first sentence of the amendatory language in Section 1 and inserting in lieu thereof a comma and the following words:

provided that some other member of the court shall serve as chairman during such election.

On motion, the amendment was adopted.

Thereupon, House Bill No. 2470, as amended, passed its third and final reading by the following vote:

Ayes.....	94
Noes.....	0

Representatives voting aye were: Ashford, Atchley, Bell, Bewley, Bissell, Blackburn, Bragg, Brewer, Buck, Burks, Burleson, Burnett (Fentress), Burnett (Sumner), Bussart, Butler, Byrd, Carter, Cawood, Chiles, Clark, Cobb, Copeland, Darnell, Davidson (Robertson), Davidson (Wayne), Davis, DeBerry, DePriest, Elkins, Ellis, Fisher, Fleming, Ford (Cocke), Ford (Shelby), Fuqua, Gill, Good, Hall, Henry, Hillis, Hood, Hurley, Jensen, Johnson, Kernell, King, Lanier, Lashlee, Ledford, Longley, Love, McAfee, McKinney, Martin, Miller, Moore, Murphy (Davidson), Murphy (Shelby), Murray (Franklin), Murray (Madison), Naifeh, Nolan, Ozment, Phillips, Pickering, Rhinehart, Richards, Richardson, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Shockley, Small, Smith, Spence, Stafford, Stallings, Starnes, Steinhauer, Sterling, Tanner, Turner, Wallace, Watson, Webb, Williams, Withers, Wolfe, Wood, Work, Yelton and Young — 94.

A motion to reconsider was tabled.

House Bill No. 2392 — To amend Section 62-619, Code.

Mr. Love moved that House Bill No. 2392 be passed on third and final reading.

Mr. Love moved to amend as follows:

AMENDMENT NO. 1

Amend House Bill No. 2392 by deleting the amendatory language of Section 1 in its entirety and by substituting instead the following:

The Board may refuse to issue or renew a license to any person, firm or corporation for lack of financial stability, lack of expertise, submission of false evidence with regard to application of license or renewal, conviction of a felony, and any other conduct which constitutes improper, fraudulent or dishonest dealing, or violation of the statute.

On motion, the amendment was adopted.

Thereupon, House Bill No. 2392, as amended, passed its third and final reading by the following vote:

Ayes.....	79
Noes.....	0
Present and not voting	12

Representatives voting aye were: Atchley, Bewley, Bissell, Blackburn, Bragg, Brewer, Buck, Burks, Burleson, Burnett (Fentress), Burnett (Sumner), Bussart, Butler, Byrd, Carter, Cawood, Clark, Cobb, Copeland, Darnell, Davidson (Robertson), Davidson (Wayne), Davis, DeBerry, DePriest, Elkins, Ellis, Fisher, Fleming, Ford (Shelby), Fuqua, Good, Henry, Hillis, Hood, Hurley, Jensen, Johnson, Kernell, King, Lanier, Lashlee, Longley, Love, McAfee,

McKinney, Miller, Moore, Murphy (Davidson), Murphy (Shelby), Murray (Franklin), Murray (Madison), Naifeh, Nolan, Ozment, Phillips, Rhinehart, Richardson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Shockley, Small, Spence, Stafford, Stallings, Starnes, Steinhauer, Tanner, Turner, Wallace, Watson, Webb, Withers, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter — 79.

Representatives present and not voting were: Ashford, Bell, Chiles, Ford (Cocke), Hall, Richards, Robertson, Scruggs, Smith, Sterling, Williams and Young — 12.

A motion to reconsider was tabled.

House Bill No. 2154 — To amend Title 53, Chapter 13, Code.

Mr. Love moved that House Bill No. 2154 be passed on third and final reading.

Mr. Ashford moved to amend as follows:

AMENDMENT NO. 1

Amend House Bill No. 2154 by deleting from Section 1 the comma and the remainder of the sentence following the words "such insurance policy" in line eight and substituting in lieu thereof a period.

On motion, the amendment was adopted.

Thereupon, House Bill No. 2154, as amended, passed its third and final reading by the following vote:

Ayes.....	92
Noes.....	0
Present and not voting	2

Representatives voting aye were: Ashford, Atchley, Bell, Bewley, Bishop, Bissell, Blackburn, Bragg, Brewer, Buck, Burks, Burleson, Burnett (Sumner), Bussart, Butler, Byrd, Carter, Cawood, Chiles, Clark, Cobb, Copeland, Darnell, Davidson (Robertson), Davidson (Wayne), Davis, DeBerry, DePriest, Elkins, Ellis, Fisher, Fleming, Ford (Cocke), Ford (Shelby), Fuqua, Gaia, Gill, Good, Hall, Henry, Hillis, Hood, Hurley, Johnson, Kernell, King, Lanier, Lashlee, Ledford, Longley, Love, McAfee, McKinney, Martin, Miller, Murphy (Davidson), Murphy (Shelby), Murray (Franklin), Murray (Madison), Naifeh, Nolan, Ozment, Phillips, Pickering, Rhinehart, Richards, Richardson, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Shockley, Small, Smith, Spence, Stafford, Stallings, Starnes, Steinhauer, Sterling, Tanner, Turner, Wallace, Watson, Webb, Withers, Wolfe, Wood, Work, Yelton and Young — 92.

Representatives present and not voting were: Burnett (Fentress) and Mr. Speaker McWherter — 2.

A motion to reconsider was tabled.

House Bill No. 2404 — To prevent obstruction, access to public facilities.

Mr. Love moved that House Bill No. 2404 be passed on third and final reading.

Mr. Murray (Madison) moved to amend as follows:

AMENDMENT NO. 1

Amend House Bill No. 2404 by inserting between the words "officer" and "to" in the second sentence of Section 1 the following words:

"to make every reasonable effort under existing circumstances".

On motion, the amendment was adopted.

Thereupon, House Bill No. 2404, as amended, passed its third and final reading by the following vote:

Ayes.....	85
Noes.....	0
Present and not voting	5

Representatives voting aye were: Atchley, Bell, Bewley, Bishop, Bissell, Blackburn, Bragg, Buck, Burks, Burleson, Burnett (Fentress), Burnett (Sumner), Bussart, Byrd, Carter, Cawood, Clark, Cobb, Copeland, Davidson (Robertson), Davidson (Wayne), Davis, DeBerry, DePriest, Dixon, Elkins, Ellis, Fisher, Fleming, Ford (Cocke), Ford (Shelby), Fuqua, Gill, Good, Hall, Henry, Hillis, Hood, Hurley, Jensen, Johnson, Kernell, King, Lanier, Lashlee, Ledford, Longley, Love, McAfee, McKinney, Miller, Moore, Murphy (Davidson), Murphy (Shelby), Murray (Franklin), Murray (Madison), Naifeh, Nolan, Ozment, Phillips, Pickering, Rhinehart, Richardson, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Small, Spence, Stafford, Stallings, Starnes, Steinhauer, Tanner, Turner, Watson, Webb, Williams, Withers, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter — 85.

Representatives present and not voting were: Chiles, Richards, Shockley, Sterling and Wallace — 5.

A motion to reconsider was tabled.

House Bill No. 2385 — To amend Section 62-230, Code.

On motion, House Bill No. 2385 was made to conform with Senate Bill No. 2346.

On motion, Senate Bill No. 2346, on same subject, was substituted for House Bill No. 2385.

Mr. Love moved that Senate Bill No. 2346 be passed on third and final reading.

Mr. Love moved to amend as follows:

AMENDMENT NO. 1

Amend Senate Bill No. 2346 by deleting from the amendatory language of Section 1 the word "judicially".

AND FURTHER AMEND by inserting the words "by the State Board of Architectural and Engineering Examiners" bwtween the words "determined" and "to".

On motion, the amendment was adopted.

Mr. Love moved that Senate Bill No. 2346 be placed on the Calendar for Thursday, March 16, 1978, which motion prevailed.

House Bill No. 2153 — To increase fees, Board of Barber Examiners.

On motion, House Bill No. 2153 was made to conform with Senate Bill No. 1727.

On motion, Senate Bill No. 1727, on same subject, was substituted for House Bill No. 2153.

Mr. Love moved that Senate Bill No. 1727 be passed on third and final reading.

Mr. Moore moved to amend as follows:

AMENDMENT NO. 1

Amend Senate Bill No. 1727 by deleting subsection (11) in Section 2 and by renumbering the remaining subsections accordingly.

Mr. Love moved that Amendment No. 1 be tabled, which motion failed by the following vote:

Ayes.....	26
Noes.....	54

Representatives voting aye were: Bishop, Bissell, Carter, Cawood, Cobb, Copeland, Davidson (Robertson), DeBerry, Ford (Shelby), King, McAfee, Miller, Murphy (Davidson), Murphy (Shelby), Ozment, Pruitt, Rhinehart, Richards, Robinson (Davidson), Robinson (Hamilton), Spence, Stafford, Steinhauer, Withers, Wood and Work — 26.

Representatives voting no were: Ashford, Atchley, Bell, Bewley, Bragg, Buck, Burks, Burleson, Bussart, Butler, Byrd, Clark, Davidson (Wayne), Elkins, Ellis, Fisher, Fleming, Ford (Cocke), Fuqua, Gaia, Gill, Good, Hall, Henry, Hillis, Hood, Hurley, Johnson, Kernell, Lanier, Lashlee, Longley, Moore, Murray (Franklin), Murray (Madison), Naifeh, Phillips, Richardson, Robertson, Robinson (Washington), Scruggs, Shockley, Small, Stallings, Sterling, Tanner, Turner, Wallace, Watson, Webb, Williams, Wolfe, Yelton and Young — 54.

Thereupon, Amendment No. 1 was adopted by the following vote:

Ayes.....	50
Noes.....	29
Present and not voting	4

Representatives voting aye were: Ashford, Atchley, Bell, Bewley, Buck, Burks, Burleson, Butler, Clark, Copeland, Elkins, Fisher, Fleming, Ford (Cocke), Fuqua, Gaia, Gill, Good, Hall, Henry, Hillis, Hurley, Johnson, Kernell, Lanier, Lashlee, Longley, Moore, Murray (Franklin), Murray (Madison), Naifeh, Phillips, Rhinehart, Richardson, Robertson, Robinson (Hamilton), Robinson (Washington), Shockley, Small, Stallings, Starnes, Sterling, Tanner, Turner, Wallace, Watson, Webb, Williams, Wolfe and Young — 50.

Representatives voting no were: Bishop, Bissell, Blackburn, Burnett (Fentress), Carter, Cawood, Cobb, Davidson (Robertson), Davis, DeBerry, Ellis, Ford (Shelby), Hood, King, Love,

McAfee, McKinney, Murphy (Shelby), Ozment, Pruitt, Richards, Robinson (Davidson), Spence, Stafford, Steinhauer, Withers, Wood, Work and Yelton — 29.

Representatives present and not voting were: Bragg, Burnett (Sumner), Byrd and Miller — 4.

Mr. Love moved that Senate Bill No. 1727 be placed on the Calendar for Thursday, March 16, 1978, which motion prevailed.

House Bill No. 2025 — To amend Section 12-923, Code.

Mr. Gill moved that House Bill No. 2025 be passed on third and final reading.

Mr. Gill moved to amend as follows:

AMENDMENT NO. 1

Amend House Bill No. 2025 by deleting the amendatory language of Section 1 in its entirety and by substituting instead the following:

The provisions of this chapter shall not apply to any county having a metropolitan form of government.

On motion, the amendment was adopted.

Thereupon, House Bill No. 2025, as amended, passed its third and final reading by the following vote:

Ayes.....	90
Noes.....	0
Present and not voting	2

Representatives voting aye were: Ashford, Atchley, Bell, Bewley, Bishop, Bissell, Blackburn, Bragg, Buck, Burks, Bureson, Burnett (Sumner), Bussart, Butler, Byrd, Carter, Cawood, Chiles, Clark, Cobb, Copeland, Davidson (Robertson), Davidson (Wayne), Davis, DeBerry, DePriest, Elkins, Ellis, Fisher, Fleming, Ford (Cocke), Ford (Shelby), Fuqua, Gaia, Gill, Good, Hall, Henry, Hillis, Hood, Hurley, Johnson, Kernell, King, Lanier, Lashlee, Ledford, Longley, McAfee, McKinney, Martin, Miller, Murphy (Davidson), Murphy (Shelby), Murray (Franklin), Murray (Madison), Naifeh, Nolan, Ozment, Phillips, Pickering, Pruitt, Rhinehart, Richards, Richardson, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Shockley, Small, Smith, Spence, Stafford, Stallings, Starnes, Steinhauer, Tanner, Turner, Wallace, Watson, Webb, Williams, Withers, Wolfe, Wood, Work, Yelton, Young and Mr. Speaker McWherter — 90.

Representatives present and not voting were: Darnell and Scruggs — 2.

A motion to reconsider was tabled.

House Bill No. 1948 — To make certain provisions, state contribution of school funds.

Mr. Rhinehart moved that House Bill No. 1948 be passed on third and final reading.

Mr. Wallace moved to amend as follows:

AMENDMENT NO. 1

Amend House Bill No. 1948 by deleting the words "and subsequent years" from Section 1 and substituting therefor the words and figures "and the three (3) school years immediately following the 1977-1978 school year".

On motion, the amendment was adopted.

Thereupon, House Bill No. 1948, as amended, passed its third and final reading by the following vote:

Ayes.....	55
Noes.....	35
Present and not voting	5

Representatives voting aye were: Atchley, Bell, Bewley, Bishop, Bissell, Blackburn, Buck, Burks, Burleson, Burnett (Fentress), Burnett (Sumner), Bussart, Butler, Carter, Cawood, Darnell, Davidson (Robertson), Davidson (Wayne), DePriest, Elkins, Fisher, Ford (Cocke), Fuqua, Good, Henry, Hillis, Hood, Hurley, Johnson, Lanier, Lashlee, Ledford, Longley, McKinney, Murray (Franklin), Murray (Madison), Naifeh, Phillips, Pickering, Rhinehart, Robertson, Robinson (Washington), Shockley, Stafford, Stallings, Steinhauer, Tanner, Wallace, Watson, Webb, Wolfe, Work, Yelton, Young and Mr. Speaker McWherter — 55.

Representatives voting no were: Ashford, Bragg, Brewer, Chiles, Cobb, Copeland, Davis, DeBerry, Ellis, Ford (Shelby), Gaia, Gill, Hall, Kernell, King, Love, McAfee, Martin, Miller, Moore, Murphy (Davidson), Murphy (Shelby), Nolan, Ozment, Pruitt, Richards, Robinson (Davidson), Robinson (Hamilton), Scruggs, Small, Smith, Starnes, Williams, Withers and Wood — 35.

Representatives present and not voting were: Byrd, Fleming, Richardson, Spence and Turner — 5.

A motion to reconsider was tabled.

House Bill No. 2265 — To amend Section 49-605, Code.

On motion, House Bill No. 2265 was made to conform with Senate Bill No. 2212.

On motion, Senate Bill No. 2212, on same subject, was substituted for House Bill No. 2265.

Mr. Work moved that Senate Bill No. 2212 be passed on third and final reading.

Mr. Lashlee moved to amend as follows:

AMENDMENT NO. 1

Amend Senate Bill No. 2212 by inserting in the amendatory language of section 1 between the words "established" and "by" the following:

as required by this code and

Mr. Work moved to amend Amendment No. 1 as follows:

AMENDMENT NO. 1 TO AMENDMENT NO. 1

Amend Amendment No. 1 by deleting all language in Section 1 of Amendment No. 1 and substituted instead the following:

SECTION 1. T.C.A. Section 49-605 is amended by adding a new section as follows:

(i) Class membership in grades kindergarten through three (3) shall not exceed twenty-five (25) pupils. Teacher-pupil ratios for classes in grades four (4) through twelve (12) shall be established by the state board of education. Any LEA that fails to employ sufficient classroom teachers to maintain said ratios as computed by school or for the system as a whole may, in the discretion of the commissioner, have its state education finance funds reduced by an amount equivalent to the average teacher's salary on the state salary schedule in the LEA for every teacher less than the number as computed herein that the LEA fails to employ.

On motion, Amendment No. 1 to Amendment No. 1 was adopted.

Thereupon, Amendment No. 1, as amended, was adopted.

Thereupon, Senate Bill No. 2212, as amended, passed its third and final reading by the following vote:

Ayes.....	77
Noes.....	6
Present and not voting	7

Representatives voting aye were: Atchley, Bell, Bewley, Bishop, Bissell, Blackburn, Bragg, Buck, Burks, Burleson, Burnett (Fentress), Burnett (Sumner), Bussart, Butler, Carter, Cawood, Chiles, Clark, Cobb, Copeland, Darnell, Davidson (Robertson), Davidson (Wayne), Davis, DeBerry, DePriest, Elkins, Ellis, Fisher, Fleming, Ford (Cocke), Ford (Shelby), Fuqua, Gaia, Gill, Good, Hall, Henry, Hillis, Hood, Hurley, Johnson, King, Ledford, Love, McAfee, McKinney, Miller, Murphy (Davidson), Murphy (Shelby), Murray (Franklin), Murray (Madison), Nolan, Ozment, Phillips, Pickering, Pruitt, Rhinehart, Richardson, Robertson, Robinson (Davidson), Robinson (Hamilton), Scruggs, Shockley, Smith, Spence, Stafford, Stallings, Starnes, Steinhauer, Tanner, Withers, Wood, Work, Yelton, Young and Mr. Speaker McWherter — 77.

Representatives voting no were: Longley, Martin, Richards, Watson, Webb and Williams — 6.

Representatives present and not voting were: Ashford, Byrd, Kernell, Robinson (Washington), Small, Wallace and Wolfe — 7.

A motion to reconsider was tabled.

Mr. Ledford moved that House Bill No. 2489 be placed on the Calendar for Thursday, March 16, 1978, which motion prevailed.

House Bill No. 2216 — To amend Title 36, Chapter 1 and Section 37-202, Code.

On motion, House Bill No. 2216 was made to conform with Senate Bill No. 2209.

On motion, Senate Bill No. 2209, on same subject, was substituted for House Bill No. 2216.

Mr. Burnett (Fentress) moved that Senate Bill No. 2209 be passed on third and final reading, which motion prevailed by the following vote:

Ayes.....	90
Noes.....	0

Representatives voting aye were: Ashford, Atchley, Bell, Bewley, Bissell, Blackburn, Bragg, Brewer, Buck, Burks, Burleson, Burnett (Fentress), Burnett (Sumner), Bussart, Butler, Byrd, Carter, Cawood, Chiles, Clark, Cobb, Copeland, Darnell, Davidson (Robertson), Davis, DeBerry, DePriest, Elkins, Ellis, Fisher, Fleming, Ford (Cocke), Ford (Shelby), Fuqua, Gaia, Gill, Good, Hall, Henry, Hillis, Hood, Hurley, Johnson, Kernell, King, Ledford, Longley, Love, McAfee, McKinney, Martin, Miller, Murphy (Davidson), Murphy (Shelby), Murray (Franklin), Murray (Madison), Nolan, Ozment, Phillips, Pickering, Pruitt, Rhinehart, Richards, Richardson, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Shockley, Small, Smith, Spence, Stafford, Stallings, Starnes, Steinhauer, Tanner, Turner, Wallace, Watson, Webb, Williams, Withers, Wolfe, Wood, Work, Yelton, Young and Mr. Speaker McWherter — 90.

A motion to reconsider was tabled.

House Bill No. 2148 — To amend Section 8-2513, Code.

Mr. Davis moved that House Bill No. 2148 be passed on third and final reading, which motion prevailed by the following vote:

Ayes.....	87
Noes.....	0

Representatives voting aye were: Atchley, Bell, Bewley, Bishop, Bissell, Blackburn, Bragg, Brewer, Buck, Burks, Burleson, Burnett (Fentress), Burnett (Sumner), Bussart, Butler, Byrd, Carter, Cawood, Chiles, Clark, Cobb, Darnell, Davidson (Robertson), Davis, DeBerry, DePriest, Elkins, Ellis, Fisher, Fleming, Ford (Cocke), Ford (Shelby), Fuqua, Gaia, Gill, Good, Hall, Henry, Hillis, Hood, Hurley, Johnson, Kernell, King, Ledford, Longley, Love, Martin, Miller, Murphy (Davidson), Murphy (Shelby), Murray (Franklin), Murray (Madison), Nolan, Ozment, Phillips, Pickering, Pruitt, Rhinehart, Richards, Richardson, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Shockley, Small, Smith, Spence, Stafford, Stallings, Starnes, Steinhauer, Tanner, Turner, Wallace, Watson, Webb, Williams, Withers, Wolfe, Wood, Work, Yelton, Young and Mr. Speaker McWherter — 87.

A motion to reconsider was tabled.

House Bill No. 2115 — To amend Section 45-1831, Code.

On motion, House Bill No. 2115 was made to conform with Senate Bill No. 1971.

On motion, Senate Bill No. 1971, on same subject, was substituted for House Bill No. 2115.

Mr. Davis moved that Senate Bill No. 1971 be passed on third and final reading, which motion prevailed by the following vote:

Ayes.....	90
Noes.....	0
Present and not voting	3

Representatives voting aye were: Ashford, Atchley, Bell, Bewley, Bishop, Bissell, Blackburn, Bragg, Brewer, Buck, Burks, Burleson, Burnett (Fentress), Burnett (Sumner), Bussart, Butler, Byrd, Carter, Cawood, Chiles, Clark, Cobb, Copeland, Darnell, Davidson (Robertson), Davidson (Wayne), Davis, DeBerry, DePriest, Elkins, Ellis, Fisher, Fleming, Ford (Cocke), Ford (Shelby), Fuqua, Gaia, Good, Hall, Henry, Hillis, Hurley, Jensen, Johnson, Kernell, King, Ledford, Longley, Love, McAfee, McKinney, Martin, Miller, Moore, Murphy (Davidson), Murphy (Shelby), Murray (Franklin), Murray (Madison), Nolan, Ozment, Phillips, Pickering, Pruitt, Rhinehart, Richards, Richardson, Robertson, Robinson (Hamilton), Robinson (Washington), Scruggs, Shockley, Small, Smith, Spence, Stafford, Stallings, Starnes, Steinhauer, Tanner, Turner, Wallace, Watson, Webb, Williams, Withers, Wolfe, Wood, Work, Young and Mr. Speaker McWherter — 90.

Representatives present and not voting were: Gill, Hood and Yelton — 3.

A motion to reconsider was tabled.

House Bill No. 2119 — To regulate certain health care facilities.

Mr. Davis moved that House Bill No. 2119 be passed on third and final reading.

Mr. Davis moved to amend as follows:

AMENDMENT NO. 1

Amend House Bill No. 2119 be inserting after Section 4 the following:

“SECTION 5. Notwithstanding the requirements of Section 4 to the contrary, all hospitals licensed by the Department of Public Health which have been certified under Title XVIII of the Social Security Act as amended (Public Law 89-97), or which have obtained accreditation from the Joint Commission on Accreditation of Hospitals shall not be subject to licensing inspections by the department under Section 53-1311 Tennessee Code Annotated so long as such certification or accreditation is maintained. Such hospitals shall only be required to annually remit the statutory licensing fees in order to be issued a license by the department.”

And further amend by renumbering the present Sections 5 and 6 as Sections 6 and 7 accordingly.

On motion, the amendment was adopted.

Mr. Davis moved to amend as follows:

AMENDMENT NO. 2

Amend House Bill No. 2119 by deleting the last sentence of Section 3 of that bill and substituting in lieu thereof a sentence which shall read as follows:

“If the Department of Public Health shall be responsible for the coordination of inspections of health care facilities with those required by other state agencies so as to insure that the requirements of this Section are met.”

and further by adding a new sentence to the end of Section 3 which shall read as follows:

“If the Department of Public Health determines that the public health, safety, or welfare imperatively require an emergency, on-site inspection in addition to any other already conducted pursuant to this Department’s authority, then the Commissioner may initiate such inspection in his discretion.”

and, by deleting in Section 6 of that act the words and figures “July 1, 1978,” and substituting in lieu thereof the words and figures “January 1, 1979.”

On motion, the amendment was adopted.

Thereupon, House Bill No. 2119, as amended, passed its third and final reading by the following vote:

Ayes.....	66
Noes.....	14
Present and not voting	9

Representatives voting aye were: Ashford, Atchley, Bell, Bewley, Bissell, Blackburn, Brewer, Burks, Burleson, Burnett (Fentress), Burnett (Sumner), Butler, Carter, Chiles, Cobb, Copeland, Darnell, Davidson (Robertson), Davis, DeBerry, DePriest, Elkins, Ellis, Fisher, Fleming, Ford (Cocke), Ford (Shelby), Hall, Henry, Hood, Jensen, Johnson, King, Longley, Love, McAfee, Martin, Miller, Moore, Murphy (Davidson), Murphy (Shelby), Murray (Franklin), Murray (Madison), Nolan, Ozment, Phillips, Pruitt, Richardson, Robertson, Robinson (Davidson), Robinson (Hamilton), Scruggs, Shockley, Smith, Spence, Starnes, Steinhauer, Tanner, Watson, Webb, Williams, Withers, Wood, Work, Yelton and Mr. Speaker McWherter — 66.

Representatives voting no were: Bragg, Buck, Bussart, Byrd, Cawood, Fuqua, Hurley, Ledford, Robinson (Washington), Small, Stafford, Stallings, Turner and Wolfe — 14.

Representatives present and not voting were: Gaia, Gill, Good, Hillis, Kernell, McKinney, Rhinehart, Richards and Wallace — 9.

A motion to reconsider was tabled.

FURTHER CONSIDERATION OF SENATE BILL NO. 1350

Senate Bill No. 1350 — To amend Section 64-704, Code.

Mr. Phillips moved that Senate Bill No. 1350 be passed on third and final reading.

Mr. Ashford moved to amend Amendment No. 2 as follows:

AMENDMENT NO. 2 TO AMENDMENT NO. 2

Amend Amendment No. 2 by inserting the following sentence after the first sentence of subsection (b) as amended:

The extension provided by this subsection shall apply only to that part of the lease as to which the state oil and gas board has issued a permit to drill, and only as to the acreage allocation for which original application was made.

On motion, Amendment No. 2 to Amendment No. 2 was adopted.

Thereupon, Amendment No. 2, as amended, was adopted.

Thereupon, Senate Bill No. 1350, as amended, passed its third and final reading by the following vote:

Ayes.....	92
Noes.....	0

Representatives voting aye were: Ashford, Atchley, Bell, Bewley, Bissell, Blackburn, Bragg, Brewer, Buck, Burks, Burleson, Burnett (Fentress), Burnett (Sumner), Bussart, Butler, Byrd, Carter, Cawood, Chiles, Clark, Cobb, Copeland, Darnell, Davidson (Robertson), Davis, DeBerry, DePriest, Elkins, Ellis, Fisher, Fleming, Ford (Cocke), Ford (Shelby), Fuqua, Gaia, Gill, Good, Hall, Henry, Hillis, Hood, Hurley, Jensen, Johnson, Kernell, King, Ledford, Longley, Love, McAfee, McKinney, Martin, Miller, Moore, Murphy (Davidson), Murphy (Shelby), Murray (Franklin), Murray (Madison), Nolan, Ozment, Phillips, Pickering, Pruitt, Rhinehart, Richards, Richardson, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Shockley, Small, Smith, Spence, Stafford, Stallings, Starnes, Steinhauer, Tanner, Turner, Wallace, Watson, Webb, Williams, Withers, Wolfe, Wood, Work, Yelton, Young and Mr. Speaker McWherter — 92.

A motion to reconsider was tabled.

Mr. Pickering moved that House Bill No. 285 be placed on the Calendar for Thursday, March 16, 1978, which motion prevailed.

Mr. Fisher moved that the House adjourn until 10:00 a.m. tomorrow, which motion failed by the following vote:

Ayes.....	28
Noes.....	62
Present and not voting	1

Representatives voting aye were: Bissell, Buck, Burnett (Sumner), Bussart, Carter, Cawood, Cobb, Darnell, Davidson (Robertson), Davis, DeBerry, Elkins, Fisher, Ford (Shelby), Gaia, Hall, Hurley, McKinney, Murphy (Davidson), Murphy (Shelby), Ozment, Phillips, Pruitt, Rhinehart, Richards, Withers, Wood and Work — 28.

Representatives voting no were: Ashford, Atchley, Bell, Bewley, Blackburn, Bragg, Brewer, Burks, Burleson, Burnett (Fentress), Butler, Byrd, Chiles, Clark, DePriest, Ellis, Fleming, Ford (Cocke), Fuqua, Gill, Good, Henry, Hillis, Hood, Jensen, Johnson, Kernell, King, Ledford, Longley, Love, McAfee, Martin, Miller, Moore, Murray (Franklin), Murray (Madison), Nolan, Pickering, Richardson, Robertson, Robinson (Hamilton), Robinson (Washington), Scruggs, Shockley, Small, Smith, Spence, Stafford, Stallings, Starnes, Steinhauer, Tanner, Turner, Wallace, Watson, Webb, Williams, Wolfe, Yelton, Young and Mr. Speaker McWherter — 62.

Representative present and not voting was: Davidson (Wayne) — 1.

Mr. Burnett (Fentress) moved that House Bill No. 2206 be placed on the Calendar for Thursday, March 16, 1978, which motion prevailed.

Mr. Copeland moved that House Bill No. 1881 be placed on the Calendar for Thursday, March 16, 1978, which motion prevailed.

House Bill No. 1548 — To require confirmation, Wildlife Resources appointments.

Mr. Watson moved that House Bill No. 1548 be passed on third and final reading.

Mr. Watson moved to amend as follows:

AMENDMENT NO. 1

Amend House Bill No. 1548 be inserting in the end of the amendatory language in Section 1 after the word "Committee" and before the word "prior" the following

"and by joint resolution of the General Assembly"

so that the amendatory language will read as follows:

"Each member appointed by the governor shall be confirmed by the House Conservation and Environment Committee and the Senate Energy and Natural Resources Committee and by joint resolution of the General Assembly prior to beginning his term of office."

On motion, the amendment was adopted.

Mr. Watson moved to amend as follows:

AMENDMENT NO. 2

Amend House Bill No. 1548 by inserting the following new section immediately before the effective date section and by renumbering the following section accordingly.

If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

On motion, the amendment was adopted.

Mr. Watson moved to amend as follows:

AMENDMENT NO. 3

Amend House Bill No. 1548 be inserting the following sentence at the end of the amendatory language in Section 1.

If the General Assembly is not in session at the time a member is appointed by the governor to fill a vacancy resulting from the expiration of the term of a member of the com-

mission, the member of the commission whose term has expired shall serve until a new appointee is confirmed as provided herein.

On motion, the amendment was adopted.

Mr. Watson moved to amend as follows:

AMENDMENT NO. 4

Amend House Bill No. 1548 be redesignating Section 2 as Section 3 and by inserting a new Section 2 as follows:

SECTION 2. Tennessee Code Annotated, Section 51-101, is further amended by adding the following sentence at the end thereof:

The terms of the new members appointed to the commission shall commence March 1, provided such members are properly confirmed.

On motion, the amendment was adopted.

Thereupon, House Bill No. 1548, as amended, passed its third and final reading by the following vote:

Ayes.....	92
Noes.....	0

Representatives voting aye were: Ashford, Atchley, Bell, Bewley, Bissell, Blackburn, Bragg, Brewer, Buck, Burks, Burleson, Burnett (Fentress), Burnett (Sumner), Bussart, Butler, Byrd, Carter, Cawood, Chiles, Clark, Cobb, Copeland, Darnell, Davidson (Robertson), Davis, DeBerry, DePriest, Elkins, Ellis, Fisher, Fleming, Ford (Cocke), Ford (Shelby), Fuqua, Gaia, Gill, Good, Hall, Henry, Hillis, Hood, Hurley, Jensen, Johnson, Kernell, King, Ledford, Longley, Love, McAfee, McKinney, Martin, Miller, Moore, Murphy (Davidson), Murphy (Shelby), Murray (Franklin), Murray (Madison), Nolan, Ozment, Phillips, Pickering, Pruitt, Rhinehart, Richards, Richardson, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Shockley, Small, Smith, Spence, Stafford, Stallings, Starnes, Steinhauer, Tanner, Turner, Wallace, Watson, Webb, Williams, Withers, Wolfe, Wood, Work, Yelton, Young and Mr. Speaker McWherter — 92.

A motion to reconsider was tabled.

Mr. Speaker pro tem Brewer resumed the Chair.

Mr. Ashford moved that the rules be suspended for the purpose of introducing House Joint Resolution No. 481 out of order, which motion prevailed.

House Joint Resolution No. 481 — Relative to studying implementation, Tennessee Constitutional amendments — By Ashford and Burnett (Fentress).

On motion, the rules were suspended for the immediate consideration of the resolution.

Mr. Ashford moved that House Joint Resolution No. 481 be adopted.

Mr. Ashford moved to amend as follows:

AMENDMENT NO. 1

Amend House Joint Resolution No. 481 by deleting the last resolving clause in its entirety and by substituting therefor the following:

BE IT FURTHER RESOLVED, That the special committee shall report its findings and recommendations, including any proposed legislation, to the Ninetieth General Assembly at the earliest date possible, and thereafter that the committee shall continue its study and shall submit a final report to the Ninety-First General Assembly no later than February 1, 1979, at which time the committee shall cease to exist.

On motion, the amendment was adopted.

Mr. McKinney moved to amend as follows:

AMENDMENT NO. 2

Amend House Joint Resolution No. 481 by adding the following section which shall read as follows:

"This committee shall not make any recommendations as to questions 9 and 10 adopted as constitutional amendments."

On motion, the amendment was adopted.

Thereupon, House Joint Resolution No. 481, as amended, was adopted by the following vote:

Ayes.....	90
Noes.....	0

Representatives voting aye were: Ashford, Atchley, Bell, Bewley, Bishop, Bissell, Blackburn, Bragg, Brewer, Buck, Burks, Burleson, Burnett (Sumner), Bussart, Butler, Byrd, Carter, Cawood, Chiles, Clark, Cobb, Copeland, Darnell, Davidson (Robertson), Davidson (Wayne), Davis, DeBerry, DePriest, Elkins, Ellis, Fisher, Fleming, Ford (Cocke), Ford (Shelby), Fuqua, Gaia, Gill, Good, Hall, Henry, Hillis, Hood, Hurley, Jensen, Johnson, Kernell, Ledford, Longley, Love, McAfee, McKinney, Martin, Miller, Moore, Murphy (Davidson), Murphy (Shelby), Murray (Franklin), Murray (Madison), Nolan, Ozment, Pickering, Pruitt, Rhinehart, Richards, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Shockley, Small, Smith, Spence, Stafford, Stallings, Starnes, Steinhauer, Tanner, Turner, Wallace, Watson, Webb, Williams, Withers, Wolfe, Wood, Work, Yelton, Young and Mr. Speaker McWherter — 90.

A motion to reconsider was tabled.

Mr. Rhinehart moved that the House adjourn until 10:00 a.m. tomorrow, which motion failed by the following vote:

Ayes.....	21
Noes.....	59
Present and not voting	3

Representatives voting aye were: Bissell, Bragg, Buck, Burks, Burnett (Sumner), Cawood, Cobb, Copeland, Davidson (Robertson), Elkins, Hillis, Hurley, Longley, Love, Murphy (Shelby), Ozment, Phillips, Pruitt, Rhinehart, Scruggs and Withers — 21.

Representatives voting no were: Atchley, Bell, Bewley, Blackburn, Burleson, Burnett (Fentress), Bussart, Butler, Byrd, Carter, Chiles, Clark, Darnell, Davis, DeBerry, Ellis, Fisher, Fleming, Ford (Cocke), Ford (Shelby), Fuqua, Gaia, Gill, Hall, Henry, Hood, Jensen, Johnson, Kernell, Ledford, McAfee, Martin, Miller, Moore, Murray (Franklin), Murray (Madison), Nolan, Pickering, Richards, Richardson, Robertson, Robinson (Washington), Shockley, Small, Smith, Spence, Stafford, Stallings, Starnes, Tanner, Turner, Wallace, Watson, Williams, Wolfe, Wood, Yelton, Young and Mr. Speaker McWherter — 59.

Representatives present and not voting were: Davidson (Wayne), Good and Robinson (Hamilton) — 3.

FURTHER CONSIDERATION OF HOUSE BILL NO. 797

House Bill No. 797 — To direct Tennessee Higher Education Commission to study private institutions.

Mr. Burnett.(Fentress) moved that the House pass House Bill No. 797, notwithstanding the objections of the Governor.

Mr. McKinney moved that the motion be tabled, which motion failed by the following vote:

Ayes.....	28
Noes.....	56
Present and not voting	1

Representatives voting aye were: Bissell, Bragg, Buck, Burks, Bussart, Cawood, Cobb, Davidson (Robertson), Davis, Elkins, Gill, Good, Hillis, Hood, King, Love, McKinney, Martin, Murphy (Shelby), Ozment, Phillips, Pickering, Pruitt, Rhinehart, Robinson (Washington), Steinhauer, Work and Yelton — 28.

Representatives voting no were: Atchley, Bell, Bewley, Blackburn, Burleson, Burnett (Fentress), Burnett (Sumner), Butler, Byrd, Carter, Chiles, Copeland, Darnell, Davidson (Wayne), DeBerry, DePriest, Ellis, Fisher, Fleming, Ford (Cocke), Ford (Shelby), Fuqua, Gaia, Hall, Henry, Hurley, Jensen, Johnson, McAfee, Moore, Murphy (Davidson), Murray (Franklin), Murray (Madison), Nolan, Richards, Richardson, Robertson, Robinson (Hamilton), Scruggs, Shockley, Small, Smith, Stafford, Stallings, Starnes, Tanner, Turner, Wallace, Watson, Webb, Williams, Withers, Wolfe, Wood, Young and Mr. Speaker McWherter — 56.

Representative present and not voting was: Miller — 1.

Thereupon, the motion to pass House Bill No. 797, notwithstanding the objections of the Governor, prevailed by the following vote:

Ayes.....	56
Noes.....	34

Representatives voting aye were: Atchley, Bell, Bewley, Blackburn, Brewer, Burleson, Burnett (Fentress), Burnett (Sumner), Butler, Carter, Chiles, Copeland, Davidson (Wayne), DeBerry, DePriest, Ellis, Fisher, Fleming, Ford (Cocke), Ford (Shelby), Fuqua, Gaia, Hall, Henry, Hood, Hurley, Jensen, Johnson, King, McAfee, Murphy (Davidson), Murray (Franklin), Murray (Madison), Richards, Richardson, Robertson, Robinson (Hamilton), Scruggs, Shockley, Small, Smith, Spence, Stafford, Stallings, Starnes, Tanner, Turner, Wallace, Watson, Webb, Williams, Withers, Wolfe, Wood, Young and Mr. Speaker McWherter — 56.

Representatives voting no were: Ashford, Bissell, Bragg, Buck, Burks, Bussart, Byrd, Cawood, Cobb, Davidson (Robertson), Davis, Elkins, Gill, Good, Hillis, Kernell, Ledford, Longley, Love, McKinney, Martin, Miller, Moore, Murphy (Shelby), Nolan, Ozment, Phillips, Pickering, Pruitt, Rhinehart, Robinson (Washington), Steinhauer, Work and Yelton — 34.

A motion to reconsider was tabled.

Mr. Speaker pro tem Brewer declared House Bill No. 797 passed, notwithstanding the objections of the Governor.

Mr. Williams moved that the rules be suspended for the purpose of introducing House Joint Resolution No. 483 out of order, which motion prevailed.

House Joint Resolution No. 483 — Relative to congratulating Representative David Copeland — By Williams, Darnell, Phillips, Bell, Turner, Kernell, Wolfe, Young, Dixon, Robinson (Hamilton), Smith, Richards, Shockley, Chiles, Watson, Ashford, Wallace, Fisher, Ledford, Carter, McAfee, Wood, Starnes, Hurley, Robertson, Buck, Ford (Cocke), Scruggs, Hall, Jensen, Miller, Small, Martin, Sterling, Pickering, Rhinehart, Burks, Webb, Gaia, Gill, Robinson (Washington), Byrd, Bragg, Stafford, Bishop, Davidson (Wayne), Bewley, Burleson, Butler, Tanner, Good and Mr. Speaker McWherter.

On motion, the rules were suspended for the immediate consideration of the resolution.

Mr. Williams moved that House Joint Resolution No. 483 be adopted, which motion prevailed by the following vote:

Ayes.....	89
Noes.....	0

Representatives voting aye were: Ashford, Atchley, Bewley, Bissell, Blackburn, Bragg, Brewer, Buck, Burks, Burleson, Burnett (Fentress), Burnett (Sumner), Bussart, Butler, Byrd, Carter, Cawood, Chiles, Clark, Cobb, Darnell, Davidson (Robertson), Davidson (Wayne), Davis, DeBerry, DePriest, Elkins, Ellis, Fisher, Fleming, Ford (Cocke), Ford (Shelby), Fuqua, Gill, Good, Hall, Henry, Hillis, Hood, Hurley, Jensen, Johnson, Kernell, King, Ledford, Longley, Love, McAfee, McKinney, Martin, Miller, Moore, Murphy (Davidson), Murphy (Shelby), Murray (Franklin), Murray (Madison), Nolan, Ozment, Phillips, Pruitt, Rhinehart, Richards, Richardson, Robertson, Robinson (Hamilton), Robinson (Washington), Scruggs, Shockley, Small, Smith, Spence, Stafford, Stallings, Starnes, Steinhauer, Sterling, Tanner, Turner, Wallace, Watson, Webb, Williams, Withers, Wolfe, Wood, Work, Yelton, Young and Mr. Speaker McWherter — 89.

A motion to reconsider was tabled.

SPONSORS ADDED

Without objection, the rules were suspended to allow the following members to add their names as sponsors to the bills as indicated below, the prime sponsor of each having agreed to such addition:

House Bill No. 32 — Burnett (Sumner), Steinhauer, Robinson (Hamilton), Chiles

House Bill No. 1871 — Miller

REPORT OF COMMITTEE ON CALENDAR AND RULES

MR. SPEAKER: Your Committee on Calendar and Rules begs leave to report that we have met and set the following bills on the Calendar for Thursday, March 9, 1978: House Bills Nos. 1820, 2130, 1819, 2239, 2009, 2011, 2149, 1847, 2105, 1957, 1605, 1767, 2318, 2307, 2330, 1778, 1597, 2086, 1906, 1911; House Resolution No. 101; and House Bill No. 1921; and Senate Bill No. 267.

LANIER, Chairman.

REPORT OF COMMITTEE ON CALENDAR AND RULES

CONSENT CALENDAR

MR. SPEAKER: The officers of your Committee on Calendar and Rules begs leave to report that we have met and set the following bills on the Consent Calendar for Thursday, March 9, 1978: House Joint Resolution No. 424, House Bills Nos. 1859, 1785, 2041, 2483, House Joint Resolution No. 324, House Bills Nos. 1665, 1722, 2036, 2447, 2152, 1809, 2139, 1672, 1688, 2412, 2499, 2486, 2067, Senate Joint Resolution No. 183, House Resolutions Nos. 86, 87, 88, 108, 111, House Joint Resolutions Nos. 279, 280, 281, 282, 285, 294, 340, 376, 414, 416, 419, 421, 427, 428, 429, 430, 440, 441, 443, 444, 445, 446, House Bills Nos. 2461, 2465, 2467, 2468, 2469, 2479, 2493, 2494, 2495, 2496, 2497, 2477 and 2498.

LANIER, Chairman.

REPORT OF CHIEF ENGROSSING CLERK

MR. SPEAKER:

Your Chief Engrossing Clerk begs leave to report that we have transmitted to the Governor the following: House Bills Nos. 1615, 1792, 1940, 1959, 1970, 1978, 2003, 2138, 2177, 2390 and 2442; and House Joint Resolution No. 463; for his action.

MARILYN EVELYN HAND,
Chief Engrossing Clerk.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolutions Nos.

217 — Relative to memory, Dr. L. C. Cox;

218 — Relative to commending James J. Mynatt;

219 — Relative to commending C. T. Nunley, Jr.;

220 — Relative to memory, Thurman Ailor;

221 — Relative to honoring Saul Kaplan;

222 — Relative to congratulating Hillman Robbins;

223 — Relative to congratulating Jimmy Davy;

224 — Relative to memory, Judge J. William Rutherford;

227 — Relative to honoring Dr. John D. Winebrenner and staff;

228 — Relative to commending Association Internationale des Etudiants en Sciences Economiques et Commerciales;

229 — Relative to honoring Trella Cunningham; adopted for concurrence.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to transmit to the House, Senate Bills Nos.

1629 — To amend Title 59, Chapter 4, Code;

1674 — To authorize bond sales, Funding Board, sewage treatment works;

1744 — To amend Section 60-421, Code;

2264 — To amend Section 48-512 thru 48-515, Code;

2296 — To amend Title 8, Chapter 24, Code;

2329 — To amend Title 2, Code;

2461 — To regulate office, city judge, Tullahoma; all passed by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

MESSAGE FROM THE GOVERNOR

MR. SPEAKER:

I am directed by the Governor to return herewith: House Bills Nos. 879, 1482, 1684, 1827, 2168, 2172, 2177 and 2266 with his approval.

EDDIE SISK,
Counsel to the Governor.

Mr. Tanner moved that the House adjourn until 10:00 a.m. tomorrow, which motion prevailed by the following vote:

Ayes.....	50
Noes.....	36
Present and not voting	1

Representatives voting aye were: Ashford, Bissell, Buck, Burnett (Sumner), Butler, Cawood, Chiles, Clark, Cobb, Darnell, Davidson (Robertson), DeBerry, DePriest, Ellis, Fisher, Fleming, Ford (Shelby), Fuqua, Gill, Good, Hillis, Hurley, King, Love, Martin, Miller, Murphy (Davidson), Murphy (Shelby), Murray (Franklin), Murray (Madison), Ozment, Pruitt, Robinson (Washington), Scruggs, Smith, Spence, Stafford, Stallings, Sterling, Tanner, Turner, Wallace, Watson, Webb, Williams, Withers, Wolfe, Wood, Work and Young — 50.

Representatives voting no were: Atchley, Bewley, Blackburn, Bragg, Burks, Burleson, Burnett (Fentress), Bussart, Byrd, Carter, Copeland, Davis, Ford (Cocke), Hall, Henry, Hood, Jensen, Johnson, Kernell, Ledford, Longley, McAfee, McKinney, Moore, Nolan, Phillips, Richards, Richardson, Robertson, Robinson (Hamilton), Shockley, Small, Starnes, Steinhauer, Yelton and Mr. Speaker McWherter — 36.

Representative present and not voting was: Davidson (Wayne) — 1.